

## FREEDOM COURT REPORTING

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| <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5</p> <p>6 NANCY MARTIN and</p> <p>7 MARY BETH BRACKIN,</p> <p>8 Plaintiffs,</p> <p>9 vs. CASE NO. 1:05-CV-1172-MEF</p> <p>10 CITY OF DOTHAN and</p> <p>11 JUDGE ROSE EVANS-GORDON,</p> <p>12 Defendants.</p> <p>13 *****</p> <p>14 DEPOSITION OF NANCY MARTIN, taken pursuant</p> <p>15 to stipulation and agreement before Sherry McCaskey,</p> <p>16 Certified Court Reporter and Commissioner for the</p> <p>17 State of Alabama at Large, in the Dothan Civic</p> <p>18 Center, 126 N. Andrews Street, Dothan, Alabama, on</p> <p>19 Monday, October 29, 2007, commencing at</p> <p>20 approximately 9:05 a.m.</p> <p>21 *****</p> <p>22</p> <p>23</p> | <p>1 STIPULATIONS</p> <p>2 It is hereby stipulated and agreed by and</p> <p>3 between counsel representing the parties that the</p> <p>4 deposition of NANCY MARTIN is taken pursuant to the</p> <p>5 Federal Rules of Civil Procedure and that said</p> <p>6 deposition may be taken before Sherry McCaskey,</p> <p>7 Certified Court Reporter and Commissioner for the</p> <p>8 State of Alabama at Large, without the formality of</p> <p>9 a commission; that objections to questions other</p> <p>10 than objections as to the form of the questions need</p> <p>11 not be made at this time but may be reserved for a</p> <p>12 ruling at such time as the deposition may be offered</p> <p>13 in evidence or used for any other purpose as</p> <p>14 provided for by the Federal Rules of Civil</p> <p>15 Procedure.</p> <p>16 It is further stipulated and agreed by and</p> <p>17 between counsel representing the parties in this</p> <p>18 case that said deposition may be introduced at the</p> <p>19 trial of this case or used in any manner by either</p> <p>20 party hereto provided for by the Federal Rules of</p> <p>21 Civil Procedure.</p> <p>22</p> <p>23</p> |
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| <p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFFS:</p> <p>3 ISHMAEL JAFFREE, ESQUIRE</p> <p>4 Jaffree Law</p> <p>5 951 Government Street</p> <p>6 Suite 415</p> <p>7 Mobile, Alabama 36604</p> <p>8 FOR THE DEFENDANTS:</p> <p>9 CAROL SUE NELSON, ESQUIRE</p> <p>10 Maynard, Cooper &amp; Gayle</p> <p>11 Attorneys at Law</p> <p>12 2400 Amsouth/Harbert Plaza</p> <p>13 1901 Sixth Avenue North</p> <p>14 Birmingham, Alabama 35203</p> <p>15 *****</p> <p>16 EXAMINATION INDEX</p> <p>17 NANCY MARTIN</p> <p>18 BY MS. NELSON 4</p> <p>19 BY MR. JAFFREE 335</p> <p>20 BY MS. NELSON 345</p> <p>21 BY MR. JAFFREE 346</p> <p>22 *****</p> <p>23</p>  | <p>1 NANCY MARTIN</p> <p>2 The witness, having first been duly sworn</p> <p>3 to speak the truth, the whole truth, and nothing but</p> <p>4 the truth, testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MS. NELSON:</p> <p>7 Q. Ms. Martin, my name is Carol Sue Nelson. We</p> <p>8 met earlier, but just for the Record, I want</p> <p>9 to introduce myself.</p> <p>10 A. Okay.</p> <p>11 Q. I'm going to be asking you some questions</p> <p>12 today about your claims against the City and</p> <p>13 Judge Gordon. Have you ever had your</p> <p>14 deposition taken before?</p> <p>15 A. No.</p> <p>16 Q. As you know, you've been placed under oath.</p> <p>17 If you do not understand a question, please</p> <p>18 let me know and I'll try to rephrase it. And,</p> <p>19 otherwise, I'll assume that you do understand</p> <p>20 me and will be answering truthfully. Is that</p> <p>21 understood?</p> <p>22 A. That's understood.</p> <p>23 Q. And as you know, the court reporter here is</p>   |

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| <p style="text-align: right;">Page 5</p> <p>1 taking everything down, so instead of nodding<br/> 2 or uh-huh and huh-uh, if you'll just speak up<br/> 3 and say yes or no or answer the question so<br/> 4 she can take down what your testimony is.<br/> 5 A. Okay.<br/> 6 Q. If you need a break at any time, let me know.<br/> 7 If there is a question on the table, though, I<br/> 8 would ask you to answer that. We'll be taking<br/> 9 a lunch break, if we need to go into the<br/> 10 afternoon. But, otherwise, just let me know<br/> 11 if you need a break, and we can certainly do<br/> 12 that.<br/> 13 Now, are you currently taking any<br/> 14 medications that would prohibit you from<br/> 15 truthfully answering questions today?<br/> 16 A. Not that I'm aware of. No.<br/> 17 Q. Are you under -- are you taking any -- are you<br/> 18 on any medications right now?<br/> 19 A. Yes.<br/> 20 Q. Can you tell me what that is?<br/> 21 A. I'm taking a half of a pain pill for my foot<br/> 22 injury for the pain of my foot injury.<br/> 23 Q. Is this the injury you sustained at --</p> | <p style="text-align: right;">Page 7</p> <p>1 Q. And where do you live?<br/> 2 A. 408 Christopher Drive in Dothan.<br/> 3 Q. I'm sorry. You said you were on some pain<br/> 4 medication?<br/> 5 A. Not continually. Just when I -- when I -- I<br/> 6 was on it for days, but that -- I stopped<br/> 7 taking it full-time about a week ago, just<br/> 8 occasionally.<br/> 9 Q. Okay. And do you know the name of that<br/> 10 medication?<br/> 11 A. Lortab.<br/> 12 Q. Any other medications that you are on?<br/> 13 A. No.<br/> 14 Q. The emergency room that you went to, where was<br/> 15 that?<br/> 16 A. Southeast Alabama Medical Center.<br/> 17 I'm sorry. I am on high blood pressure<br/> 18 medicine. I have high blood pressure.<br/> 19 Q. And how long have you been on that?<br/> 20 A. Probably for two or three years.<br/> 21 Q. Are you under the care of a doctor --<br/> 22 A. Yes.<br/> 23 Q. -- with that?</p>   |
| <p style="text-align: right;">Page 6</p> <p>1 A. Two weeks ago at Georgia Pacific.<br/> 2 Q. And I may ask you a little bit about that in a<br/> 3 minute. But this was a work-related injury --<br/> 4 A. Yes, it was.<br/> 5 Q. -- at work? And you hurt your foot?<br/> 6 A. I fractured the top of my foot, fractured the<br/> 7 bridge of my nose. And my knee is -- it<br/> 8 didn't break it or bust it. It's just all --<br/> 9 pulled the skin off of it. And I have a --<br/> 10 had a contusion of my head.<br/> 11 Q. I'm sorry. Were you hospitalized for this?<br/> 12 A. I was taken to the emergency room and treated<br/> 13 and released.<br/> 14 Q. And I gather this resulted from some type of<br/> 15 fall at work?<br/> 16 A. From a fall at Georgia Pacific's guesthouse<br/> 17 that I oversee.<br/> 18 Q. Georgia Pacific is where you currently work?<br/> 19 A. That's right.<br/> 20 Q. And where is that located?<br/> 21 A. Cedar Springs, Georgia.<br/> 22 Q. How far is that from Dothan?<br/> 23 A. About 29 miles from where I live.</p>   | <p style="text-align: right;">Page 8</p> <p>1 A. Yes.<br/> 2 Q. And who is that?<br/> 3 A. Dr. Wes Nelson.<br/> 4 Q. Is he here in Dothan?<br/> 5 A. Yes. West Main Street.<br/> 6 Q. And what about, did you see a doctor for your<br/> 7 fall or --<br/> 8 A. Yes. I was referred to an orthopedic doctor<br/> 9 at Southern Bone and Joint here in Dothan.<br/> 10 Q. And who was that?<br/> 11 A. Dr. Bret Simpson.<br/> 12 Q. Any other doctors that you see?<br/> 13 A. Only the emergency room doctor.<br/> 14 Q. Okay. Do you remember who that was?<br/> 15 A. I think his name was Dr. Michael -- well,<br/> 16 actually, he's a physician's assistant,<br/> 17 Dr. Michael Shivers or Michael Shivers I<br/> 18 believe.<br/> 19 Q. And do you trade at one particular pharmacy?<br/> 20 A. Usually, Rite-Aid. Most of all mine are done<br/> 21 at Rite-Aid or through mail order through my<br/> 22 prescription drug company.<br/> 23 Q. And who is your prescription drug company?</p> |

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| <p style="text-align: right;">Page 9</p> <p>1 A. Caremark.</p> <p>2 <b>Q. Caremart?</b></p> <p>3 A. Caremark.</p> <p>4 <b>Q. Caremark? I'm sorry. And is that through</b></p> <p>5 <b>your company?</b></p> <p>6 A. Yes.</p> <p>7 <b>Q. Any particular Rite-Aid that you go to?</b></p> <p>8 A. It's on West Main. It's beside Bruno's or</p> <p>9 behind Bruno's -- Southern Market.</p> <p>10 (Defendants' Exhibit 1 was marked</p> <p>11 for identification.)</p> <p>12 <b>Q. I'm going to show you what I have marked as</b></p> <p>13 <b>Defendants' Exhibit 1.</b></p> <p>14 MR. JAFFREE: I don't think she got that.</p> <p>15 I got it yesterday. I was going to</p> <p>16 say, I don't think she got it, but she</p> <p>17 knows about it.</p> <p>18 <b>Q. Ms. Martin, that is -- that's not even a</b></p> <p>19 <b>signed copy. I just -- I sent that notice</b></p> <p>20 <b>of -- it's called a Notice of Deposition that</b></p> <p>21 <b>I did send to your lawyer.</b></p> <p>22 A. Okay.</p> <p>23 <b>Q. Have you seen that or something similar to</b></p>  | <p style="text-align: right;">Page 11</p> <p>1 <b>Q. Do --</b></p> <p>2 A. This is what I have.</p> <p>3 <b>Q. Everything you have in response to this</b></p> <p>4 <b>request is before you?</b></p> <p>5 MR. JAFFREE: You have a calendar?</p> <p>6 THE WITNESS: Yeah. I do right here.</p> <p>7 A. Well, there's more than that if she wants all</p> <p>8 this because I didn't have a copier that would</p> <p>9 copy. But basically this is -- I mean, you</p> <p>10 already have. I prepared from our Complaint</p> <p>11 and from the Second Amended Complaint by</p> <p>12 reviewing those for this deposition.</p> <p>13 <b>Q. And right here, you --</b></p> <p>14 A. Right. I reviewed those.</p> <p>15 <b>Q. I don't need that then.</b></p> <p>16 A. This was given to me by the judge sometime --</p> <p>17 <b>Q. I'm going to mark that as Defendants'</b></p> <p>18 <b>Exhibit --</b></p> <p>19 A. But I don't have a copy of that.</p> <p>20 MR. JAFFREE: Can you identify what judge</p> <p>21 you're referring to for the Record?</p> <p>22 A. Judge Gordon.</p> <p>23 MR. JAFFREE: Are we on the Record or not?</p>  |
| <p style="text-align: right;">Page 10</p> <p>1 <b>that before?</b></p> <p>2 A. I haven't seen this one. I did see the one</p> <p>3 that you sent for I believe --</p> <p>4 <b>Q. A prior occasion --</b></p> <p>5 A. Right.</p> <p>6 <b>Q. -- when we had to reschedule?</b></p> <p>7 A. Right.</p> <p>8 <b>Q. And in that particular notice, I asked if you</b></p> <p>9 <b>could bring some documents with you. And I</b></p> <p>10 <b>just wanted to go over that request. First of</b></p> <p>11 <b>all, I asked if you had any documents that</b></p> <p>12 <b>either the City provided to you or Judge</b></p> <p>13 <b>Gordon provided to you that you had. Do you</b></p> <p>14 <b>have anything like that with you here today?</b></p> <p>15 A. You're talking about just the first --</p> <p>16 <b>Q. The first one. The first --</b></p> <p>17 A. I --</p> <p>18 <b>Q. Well, let me ask you. You've got a stack of</b></p> <p>19 <b>documents; is that correct?</b></p> <p>20 A. Right.</p> <p>21 <b>Q. And I also asked you if you had any writings,</b></p> <p>22 <b>notes, diaries, calendars?</b></p> <p>23 A. Yeah.</p> | <p style="text-align: right;">Page 12</p> <p>1 MS. NELSON: Yes, we're on the Record, but</p> <p>2 I'm going to ask her --</p> <p>3 <b>Q. I'll get you copies but right now, so we can</b></p> <p>4 <b>identify what we're talking about, or if you</b></p> <p>5 <b>want me to, I can pencil it in and substitute</b></p> <p>6 <b>it.</b></p> <p>7 A. Oh, no. That's fine. I just don't have</p> <p>8 another copy of that.</p> <p>9 (Defendants' Exhibit 2 marked for</p> <p>10 identification.)</p> <p>11 <b>Q. So you gave me what I've marked as Defendants'</b></p> <p>12 <b>Exhibit 2.</b></p> <p>13 A. Yes, ma'am.</p> <p>14 <b>Q. It's called -- and upon it, it says, "Rating</b></p> <p>15 <b>Guides-Judicial Department." And it's a</b></p> <p>16 <b>seven-page document. And can you tell me what</b></p> <p>17 <b>this is?</b></p> <p>18 A. It's a guide of job duties, responsibilities</p> <p>19 of each -- or some of the positions in the</p> <p>20 magistrates' office. The position that I was</p> <p>21 hired for, municipal court administrator,</p> <p>22 it -- they did not have the tasks list. It</p> <p>23 had never been done. And the judge, when we</p> |

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| <p>1 were doing my first evaluation in April, she<br/>2 requested that maybe I could come up with a<br/>3 draft of the responsibilities because that's<br/>4 really the job position I was supposed to be<br/>5 rated on.</p> <p>6 <b>Q. I'm sorry. What job position were you</b><br/>7 <b>supposed to be rated on?</b></p> <p>8 A. Municipal court administrator.</p> <p>9 <b>Q. Did you come up with such?</b></p> <p>10 A. Well, this writing is what -- some of the<br/>11 notes that I had jotted down. And then I<br/>12 did -- I don't know the date, but I did in a<br/>13 memo form or e-mail form did submit a draft to<br/>14 her of what I thought was the basic task list<br/>15 for court administrator.</p> <p>16 <b>Q. I may ask you more about this in a moment.</b><br/>17 <b>What other documents did you bring?</b></p> <p>18 A. I have this that I do have a copy of. This is<br/>19 actually the original that Fran Bailey, a<br/>20 clerk typist that was in the municipal<br/>21 magistrates' office; after she -- she resigned<br/>22 in July. After my termination, she brought<br/>23 this by my house, said she found it in her</p>  | <p>1 A. October.</p> <p>2 <b>Q. -- near or about October of 2004; is that</b><br/>3 <b>correct?</b></p> <p>4 A. Right.</p> <p>5 <b>Q. Do you know when she would have brought this</b><br/>6 <b>to you?</b></p> <p>7 A. We had lunch probably about two months<br/>8 after -- a month or two after I left the<br/>9 City. And she came to my house.</p> <p>10 <b>Q. Well, had you asked her to keep track of --</b><br/>11 <b>A. No, I hadn't.</b></p> <p>12 <b>Q. -- the door usage?</b></p> <p>13 A. No, I hadn't.</p> <p>14 <b>Q. And she's got dates ranging from June 28th '04</b><br/>15 <b>through July 15th '04; is that correct?</b></p> <p>16 A. Right.</p> <p>17 <b>Q. And do you know how she recorded or kept track</b><br/>18 <b>of these dates?</b></p> <p>19 A. By -- she could see the entrance and exit to<br/>20 the doors.</p> <p>21 <b>Q. I mean, this is what she told you?</b></p> <p>22 A. Right.</p> <p>23 <b>Q. Did you ask her to do this?</b></p>  |
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| <p>1 notes. It's a record of where Eunice Knight<br/>2 mostly, Lavera McClain mostly, one time Mary<br/>3 Turner, and a couple of times Tonya Minifield<br/>4 continued to go in and out a door that they<br/>5 were -- they had been told not to go in and<br/>6 out of for security and safety reasons.</p> <p>7 And I had done a memo about that. And I<br/>8 had discussed it after the memo with Eunice<br/>9 and Lavera and Tonya, and I did talk to Mary<br/>10 Turner and tell her I didn't want that to<br/>11 happen again because it was a safety issue.<br/>12 But they continued to go in and out, and that<br/>13 just details a certain time period when Fran<br/>14 kept up with it. But Fran typed that herself.</p> <p>15 <b>Q. I'm going to mark this as Exhibit 3.</b><br/>16 <b>(Defendants' Exhibit 3 was marked</b><br/>17 <b>for identification.)</b></p> <p>18 And I may ask you more about it, but<br/>19 you're saying Fran gave this to you at your<br/>20 home after you left --</p> <p>21 A. After I was terminated. Yeah.</p> <p>22 <b>Q. -- or were terminated from the City.</b><br/>23 <b>And you were terminated in --</b></p> | <p>1 A. No, I didn't. You've already asked me that<br/>2 question.</p> <p>3 <b>Q. And do you know why she did this?</b></p> <p>4 A. Because she knew that I was having a problem<br/>5 getting Lavera and Eunice to obey the rules<br/>6 and policies that I had for the magistrates'<br/>7 office.</p> <p>8 <b>Q. And what else do you have?</b></p> <p>9 A. Just -- I had prepared for this deposition<br/>10 from your answer to my EEOC charge, which I<br/>11 assume you have a copy of. And I have<br/>12 prepared for my deposition with my response to<br/>13 the City of Dothan Employee Disciplinary<br/>14 Action that I had attached that I had<br/>15 submitted the day I had my due process hearing<br/>16 after my termination.</p> <p>17 <b>Q. You're right. I do have a copy of the</b><br/>18 <b>position statement -- the letter to the EEOC,</b><br/>19 <b>but I'm going to mark --</b></p> <p>20 MR. JAFFREE: I don't know if this is the<br/>21 appropriate time or --</p> <p>22 A. I don't --</p> <p>23 MR. JAFFREE: -- wait --</p> |

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| <p>1 A. Yeah, I do have a copy of that.</p> <p>2 MR. JAFFREE: -- until later. But she</p> <p>3 also has notes from where we prepared</p> <p>4 her for this deposition. And we</p> <p>5 consider that our work product.</p> <p>6 (Defendants' Exhibit 4 was marked</p> <p>7 for identification.)</p> <p>8 <b>Q. Well, first of all, I'm just identifying</b></p> <p>9 <b>these -- Exhibit 4, the response to the City</b></p> <p>10 <b>during your due process hearing; is that</b></p> <p>11 <b>correct?</b></p> <p>12 A. That's it.</p> <p>13 MS. NELSON: Mr. Jaffree, you're saying</p> <p>14 she made notes while you talked or she</p> <p>15 brought you notes.</p> <p>16 MR. JAFFREE: She made notes.</p> <p>17 THE WITNESS: I made notes.</p> <p>18 MR. JAFFREE: That's what she's looking at</p> <p>19 now.</p> <p>20 MS. NELSON: Well, I would ask her to</p> <p>21 testify from memory. I mean, if she's</p> <p>22 relying on those to testify, I mean, I</p> <p>23 would want to see them. I'm not</p> | <p>1 some of my trial strategy, so I don't</p> <p>2 see how you can invade that.</p> <p>3 MS. NELSON: Well, I'm just trying to get</p> <p>4 the facts, and if she's looking at</p> <p>5 notes -- we'll cross that path --</p> <p>6 MR. JAFFREE: These are not my facts. I</p> <p>7 wasn't there. So it's not that I have</p> <p>8 put ideas in her head. I wouldn't do</p> <p>9 that, ethically or morally. But these</p> <p>10 notes may include litigation</p> <p>11 strategies. I don't think she's going</p> <p>12 to have to refer to these notes very</p> <p>13 often. She's got scribbles and</p> <p>14 everything else stuck in there.</p> <p>15 <b>Q. How many pages of notes do you have,</b></p> <p>16 <b>Ms. Martin?</b></p> <p>17 A. One.</p> <p>18 <b>Q. Do you feel like you have to refer to those</b></p> <p>19 <b>notes to answer my questions?</b></p> <p>20 A. Not all of them, no.</p> <p>21 <b>Q. And you have like -- I'm not trying to get</b></p> <p>22 <b>your attorney's advice or any discussion with</b></p> <p>23 <b>your attorney. Do you have dates or names on</b></p> |
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| <p>1 trying to --</p> <p>2 MR. JAFFREE: She can testify from memory,</p> <p>3 but she may need to refer to those</p> <p>4 notes to refresh her recollection.</p> <p>5 After her recollection had been</p> <p>6 refreshed, then she could speak from</p> <p>7 her memory.</p> <p>8 MS. NELSON: Well, again, I'm not trying</p> <p>9 to invade on attorney/client privilege</p> <p>10 but if --</p> <p>11 MR. JAFFREE: Well, you seem to be</p> <p>12 knocking around the door.</p> <p>13 MS. NELSON: Well, you're the one that</p> <p>14 told me about these notes. And if</p> <p>15 she's going to sit there and look at</p> <p>16 them, I feel like I'm entitled to see</p> <p>17 them.</p> <p>18 MR. JAFFREE: I don't know of any rule</p> <p>19 that suggests that you're entitled to</p> <p>20 do that. I mean, these are notes from</p> <p>21 her thoughts as we were talking and</p> <p>22 trying to recollect what happened.</p> <p>23 And these notes may very well include</p>                          | <p>1 <b>that pad?</b></p> <p>2 A. I have two or three dates -- couple of dates,</p> <p>3 yes.</p> <p>4 <b>Q. Names?</b></p> <p>5 A. I have two or three names, yes.</p> <p>6 <b>Q. Do you have any trial strategies written down</b></p> <p>7 <b>on that document?</b></p> <p>8 MR. JAFFREE: Look, I'm going to object to</p> <p>9 what's on that document. These are</p> <p>10 her notes written after the fact, was</p> <p>11 not drafted while she was employed,</p> <p>12 part of our discussion. And I told</p> <p>13 her, this is something you need to</p> <p>14 remember so you need to write it</p> <p>15 down. That's how some of these notes</p> <p>16 occurred. This is all part of the</p> <p>17 attorney/client privilege</p> <p>18 communication. I don't see how this</p> <p>19 is relevant to anything. You can ask</p> <p>20 her questions related to facts of this</p> <p>21 case, I have no problem with that. If</p> <p>22 you want to examine some of the --</p> <p>23 MS. NELSON: Well, I assure you, I'm going</p>  |

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| <p>1 to ask her --</p> <p>2 MR. JAFFREE: -- with respect to --</p> <p>3 MS. NELSON: I'm going to spend all day</p> <p>4 asking her about this case, but I just</p> <p>5 feel like I'm entitled --</p> <p>6 MR. JAFFREE: So you've gone from a half a</p> <p>7 day now to all day? I'm just trying</p> <p>8 to provide some levity.</p> <p>9 MS. NELSON: Well, I'm going to reserve</p> <p>10 the right to continue to ask about her</p> <p>11 notes.</p> <p>12 <b>Q. And would ask that you testify from your</b></p> <p>13 <b>memory, Ms. Martin.</b></p> <p>14 I also asked if you had any tape</p> <p>15 recordings or video recordings of any time you</p> <p>16 worked for the City or about this case. Do</p> <p>17 you have anything like that in your</p> <p>18 possession?</p> <p>19 A. No, I didn't.</p> <p>20 <b>Q. I'm sorry?</b></p> <p>21 A. No, I don't.</p> <p>22 <b>Q. Do you have calendars or diaries?</b></p> <p>23 A. I do have one calendar that there are a few</p>   | <p>1 Except for one year that I could not find</p> <p>2 just W2 forms on. And my only choice was to</p> <p>3 have him to agree to submit the income tax</p> <p>4 return for that one year. But the others are</p> <p>5 my W-2s.</p> <p>6 MR. JAFFREE: Well, I told you, you may</p> <p>7 can black out his information. You</p> <p>8 didn't do that on that one?</p> <p>9 THE WITNESS: I couldn't black his out</p> <p>10 because it was a joint return.</p> <p>11 <b>Q. Did you file a return for --</b></p> <p>12 A. We haven't filed a return for 2006 yet.</p> <p>13 <b>Q. And why is that?</b></p> <p>14 A. Because we just haven't filed a return for</p> <p>15 2006 yet.</p> <p>16 <b>Q. Have you requested an extension?</b></p> <p>17 A. Of course.</p> <p>18 <b>Q. And --</b></p> <p>19 MR. JAFFREE: Is her return for 2006</p> <p>20 relevant to this inquiry?</p> <p>21 THE WITNESS: My W-2s are in there for</p> <p>22 2006.</p> <p>23 <b>Q. Well, again I would --</b></p>   |
| Page 22  | Page 24  |
| <p>1 notes in before August. But mostly the things</p> <p>2 start August on when Kai Davis advised me to</p> <p>3 start keeping notes on that. And I would need</p> <p>4 you to copy that.</p> <p>5 <b>Q. This will be Defendants' Exhibit Number 5.</b></p> <p>6 <b>And I will get copies and mark it maybe</b></p> <p>7 <b>perhaps -- get copies at a break.</b></p> <p>8 <b>And also tax returns. Did you bring any</b></p> <p>9 <b>tax returns?</b></p> <p>10 A. I brought W2 forms, and I brought the last pay</p> <p>11 stub I could find from this year.</p> <p>12 MR. JAFFREE: Let me, for the Record, say</p> <p>13 that this may be a contentious area as</p> <p>14 well. Her husband absolutely refused</p> <p>15 to have his income -- his employment</p> <p>16 history brought into this litigation.</p> <p>17 He said, he's not a party and didn't</p> <p>18 feel that it was relevant. And I</p> <p>19 question the relevance of any income</p> <p>20 related to her husband.</p> <p>21 A. Except -- can I --</p> <p>22 MR. JAFFREE: Go ahead.</p> <p>23 A. -- interrupt?</p> | <p>1 MS. NELSON: Yes, they're relevant.</p> <p>2 <b>Q. I don't mind you striking out your husband's</b></p> <p>3 <b>income, but I would ask that -- I mean, I have</b></p> <p>4 <b>a W2 from 2005 from Movie Gallery, but I don't</b></p> <p>5 <b>know that that's the extent of your earnings.</b></p> <p>6 <b>I'd like to see the tax returns and --</b></p> <p>7 A. Well, I can't strike out my husband's income</p> <p>8 because our accountant uses a computer program</p> <p>9 that totals in wages and earnings column. I</p> <p>10 think you'll see on that one that it totals</p> <p>11 both of ours together. It doesn't list them</p> <p>12 separately.</p> <p>13 <b>Q. Well, again, I mean, I'm not going to stop the</b></p> <p>14 <b>deposition for it, and I'm going to ask you</b></p> <p>15 <b>about this down the road, but I feel like I</b></p> <p>16 <b>have the right to obtain that.</b></p> <p>17 <b>I'm going to mark --</b></p> <p>18 MR. JAFFREE: You, of course, can ask her</p> <p>19 questions about her income.</p> <p>20 MS. NELSON: And I will.</p> <p>21 <b>Q. I'm going to mark as Defendants' Exhibit 6</b></p> <p>22 <b>which is --</b></p> <p>23 MR. JAFFREE: She is under oath.</p> |

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## FREEDOM COURT REPORTING

| Page 25  | Page 27   |
|--|---|
| <p>1 Q. -- a W-2 from Legal Services for 2002, a 2003<br/>2 form 1040 income tax return for Jim Martin and<br/>3 Nancy Martin, a 2004 W-2 from the City of<br/>4 Dothan for Nancy Martin, a State of Alabama<br/>5 Department of Industrial Relations form for<br/>6 unemployment compensation for 2004 for Nancy<br/>7 Martin, a 2005 W-2 for Nancy Martin from Movie<br/>8 Gallery, a State of Alabama Unemployment<br/>9 Compensation form for Nancy Martin for 2005,<br/>10 2006 W-2 from Movie Gallery for Nancy Martin,<br/>11 a 2006 W2 for Nancy Martin from Manpower<br/>12 International, 2006 W-2 for Nancy Martin from<br/>13 Belk, Inc., and appears to be a<br/>14 Georgia-Pacific printout of earnings.<br/>15 (Defendants' Exhibit 6 was marked<br/>16 for identification.)<br/>17 Q. Would this be your earnings for --<br/>18 A. No. It's --<br/>19 Q. From what year?<br/>20 A. This year, last pay stub or the last one that<br/>21 I could find.<br/>22 Q. That would reflect your earnings to date --<br/>23 A. Right.</p> | <p>1 Q. Alabama driver's license?<br/>2 A. Yes.<br/>3 Q. Do you know your driver's license number?<br/>4 A. No, I don't.<br/>5 Q. And you gave me your address a moment ago, but<br/>6 can you tell me that again?<br/>7 A. 408 Christopher Drive, Dothan, Alabama.<br/>8 Q. And how long have you lived there?<br/>9 A. Oh, maybe about 11 years.<br/>10 Q. And do you reside there with anyone?<br/>11 A. My husband.<br/>12 Q. What's his name?<br/>13 A. Jim Reeves Martin, II.<br/>14 Q. All right.<br/>15 A. My daughter also resides there with me.<br/>16 Q. What's her name?<br/>17 A. Dawn, D-A-W-N, Fernandez.<br/>18 Q. And how old is she?<br/>19 A. She's 32. It's a temporary arrangement.<br/>20 Q. Anyone else live there?<br/>21 A. My granddaughter, Chloe Smith. She's 9.<br/>22 Q. Is she Dawn's daughter?<br/>23 A. Yes. I'm sorry.</p> |
| Page 26  | Page 28   |
| <p>1 Q. -- for 2007, Georgia-Pacific?<br/>2 Which year-to-date is approximately<br/>3 \$40,522? Does that sound right?<br/>4 A. Yes.<br/>5 Q. And what is your salary at Georgia-Pacific,<br/>6 your annual salary?<br/>7 A. 42,000.<br/>8 Q. And we'll come back to these. Those are all<br/>9 the documents you have in your possession that<br/>10 respond to my --<br/>11 A. That's correct.<br/>12 Q. Just for the Record, will you give your full<br/>13 name, please?<br/>14 A. Nancy Carol Martin.<br/>15 Q. And your Social Security number?<br/>16 A. [REDACTED]<br/>17 Excuse me just a minute.<br/>18 (Witness conferred with her<br/>19 counsel.)<br/>20 Q. Your date of birth?<br/>21 A. [REDACTED]<br/>22 Q. And do you have a driver's license?<br/>23 A. Yes, I do.</p>   | <p>1 Q. Anyone else?<br/>2 A. That's it.<br/>3 Q. And prior to your 408 Christopher address,<br/>4 where did you live?<br/>5 A. I lived in Carriage House Apartments on Daniel<br/>6 Circle in Dothan.<br/>7 Q. And how long did you live there?<br/>8 A. Probably two to three years.<br/>9 Q. Prior to that?<br/>10 A. I lived on Aberdeen Drive in Dothan.<br/>11 Q. How long did you live there?<br/>12 A. Probably a year.<br/>13 Q. Are you from Dothan?<br/>14 A. Yes.<br/>15 Q. Born here?<br/>16 A. Yes.<br/>17 Q. And went to school here?<br/>18 A. Went to school at Midland City, Dale County<br/>19 High School.<br/>20 Q. Now, other than Jim Martin, have you been<br/>21 married to anyone else?<br/>22 A. Yes.<br/>23 Q. And how many times have you been married?</p>  |

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## FREEDOM COURT REPORTING

| Page 29   | Page 31   |
|---|---|
| <p>1 MR. JAFFREE: Well, I know all this is</p> <p>2 irrelevant to this litigation, but you</p> <p>3 can go ahead and answer the question.</p> <p>4 A. My first husband of 14 and a half years was</p> <p>5 Roy Hurst, H-U-R-S-T.</p> <p>6 <b>Q. Roy Hurst?</b></p> <p>7 A. Uh-huh (positive response). And I was married</p> <p>8 very briefly to John Faison, F-A-I-S-O-N.</p> <p>9 <b>Q. Okay. And then to Jim Martin?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. And your marriage to Roy Hurst, how did that</b></p> <p>12 <b>end?</b></p> <p>13 A. Divorce.</p> <p>14 <b>Q. Did you have any children?</b></p> <p>15 A. Three.</p> <p>16 <b>Q. What are their ages now?</b></p> <p>17 A. Dawn is 32. Chanda is 20 -- 28.</p> <p>18 <b>Q. I'm sorry. What is her name?</b></p> <p>19 A. Chanda, C-H-A-N-D-A.</p> <p>20 <b>Q. What's her last name?</b></p> <p>21 A. Le, L-E.</p> <p>22 <b>Q. L-E?</b></p> <p>23 A. Uh-huh (positive response). And Brandon Hurst</p> | <p>1 A. He lives in Midland City.</p> <p>2 <b>Q. And where is he employed?</b></p> <p>3 A. He's not. He's on disability.</p> <p>4 <b>Q. Was he employed?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. Where was he employed?</b></p> <p>7 A. For 30 years at Pemco Aerospace in Napier</p> <p>8 Field.</p> <p>9 <b>Q. John Faison, does he still live in the area?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. Is he employed?</b></p> <p>12 A. With the City of Dothan.</p> <p>13 <b>Q. And what is his job?</b></p> <p>14 A. I think he works in the body shop.</p> <p>15 <b>Q. And Jim Martin, is he employed?</b></p> <p>16 A. He is self-employed.</p> <p>17 <b>Q. And what does he do?</b></p> <p>18 A. He owns Martin Environmental Services here in</p> <p>19 Dothan.</p> <p>20 <b>Q. Your daughter Dawn, is she employed?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. And where does she work?</b></p> <p>23 A. She's a pharmacy tech at Rite-Aid pharmacy.</p> |
| Page 30   | Page 32   |
| <p>1 is 23.</p> <p>2 <b>Q. And, approximately, when did you divorce Roy</b></p> <p>3 <b>Hurst?</b></p> <p>4 A. In 1989.</p> <p>5 <b>Q. And you married John Faison?</b></p> <p>6 A. Yes.</p> <p>7 <b>Q. When did you marry him?</b></p> <p>8 A. Maybe around 1994.</p> <p>9 <b>Q. And how long were you married to him?</b></p> <p>10 A. Seven months.</p> <p>11 <b>Q. And why did that marriage end?</b></p> <p>12 A. Divorce.</p> <p>13 <b>Q. You need to speak up.</b></p> <p>14 A. I'm sorry.</p> <p>15 <b>Q. Do you have any children --</b></p> <p>16 <b>A. No.</b></p> <p>17 <b>Q. -- with John Faison?</b></p> <p>18 <b>Jim Martin, when did you marry him?</b></p> <p>19 A. In 1998. No, I'm sorry. 1997.</p> <p>20 <b>Q. Any children with him?</b></p> <p>21 A. No.</p> <p>22 <b>Q. This Roy Hurst, does he live in the Dothan</b></p> <p>23 <b>area?</b></p>  | <p>1 She's also a student.</p> <p>2 <b>Q. Is she married?</b></p> <p>3 A. No.</p> <p>4 <b>Q. Is she divorced?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. Does her husband live here in the Dothan area?</b></p> <p>7 A. I'm not sure. No.</p> <p>8 <b>Q. What's his name?</b></p> <p>9 A. Patrick Fernandez.</p> <p>10 <b>Q. And Chanda Le, does she work?</b></p> <p>11 A. Yes.</p> <p>12 <b>Q. Where does she work?</b></p> <p>13 A. At Southeast Alabama Medical Center.</p> <p>14 <b>Q. What's her job?</b></p> <p>15 A. Radiology technician.</p> <p>16 <b>Q. Okay. Is she married?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. And what's her husband's name?</b></p> <p>19 A. Bill Le.</p> <p>20 <b>Q. What does he do?</b></p> <p>21 A. He is -- he works with Toyota in Dothan as a</p> <p>22 parts -- he works in the parts department.</p> <p>23 That's all I know.</p>   |

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## FREEDOM COURT REPORTING

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1 Q. And Brandon, does he work?  
 2 A. He's in the Army.  
 3 Q. Is he in the area?  
 4 A. No. He's in Iraq.  
 5 Q. Is he married?  
 6 A. No.  
 7 Q. Are your parents living?  
 8 A. Yes.  
 9 Q. What are their names?  
 10 A. H. B. Green is my father. Evelyn Green is my  
 11 mother.  
 12 Q. And they live in this area?  
 13 A. They live in Midland City.  
 14 Q. Does your dad work?  
 15 A. They are both retired.  
 16 Q. Did your dad work?  
 17 A. Yes.  
 18 Q. Where did he work?  
 19 A. Michelin.  
 20 Q. For most of his career?  
 21 A. For 20 years he worked at Stephenson-Smith IGA  
 22 as the meat market manager and for the -- for  
 23 the last 20 at Michelin.

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1 Q. Okay. Did your mom work?  
 2 A. Only the last few years before she retired.  
 3 She worked at the Midland City Elementary  
 4 School in the lunchroom.  
 5 Q. Do you have any brothers or sisters?  
 6 A. I have a sister named Gail Besecker,  
 7 B-E-S-E-C-K-E-R.  
 8 Q. Does she live in the area?  
 9 A. In Kinsey.  
 10 Q. Is that near here?  
 11 A. Yes. It's just a small town.  
 12 Q. Does she work?  
 13 A. She works at the Southeast Alabama Medical  
 14 Center.  
 15 Q. Is she married?  
 16 A. No.  
 17 Q. Do you have any other brothers or sisters?  
 18 A. Yes. I have two brothers. One is Wesley  
 19 Green.  
 20 Q. And what's the other one's name?  
 21 A. Larry Green.  
 22 Q. Do they both live in this area?  
 23 A. Larry lives in Wicksburg, and Wesley is in the

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1 process of moving to Tifton, Georgia. Both  
 2 lives in the Slocomb area right now.  
 3 Q. Is Wesley employed?  
 4 A. Yes.  
 5 Q. Where does he work?  
 6 A. I'm not sure of the name of the company  
 7 because he just changed jobs to take a job  
 8 with a -- I'm not sure if it's a chemical  
 9 company or -- I'm not real sure.  
 10 Q. Larry, is he married?  
 11 A. Yes. Wesley?  
 12 Q. Yes.  
 13 A. Yes.  
 14 Q. And what's his wife's name?  
 15 A. Lorie Green.  
 16 Q. Does she work?  
 17 A. She just resigned her job to move, but she did  
 18 work.  
 19 Q. Larry, where does he work?  
 20 A. He owns Chapman Green Salon.  
 21 Q. Is that like a --  
 22 A. It's a hair salon.  
 23 Q. And is he married?

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1 A. Yes. Casey Green.  
 2 Q. What does she do?  
 3 A. She owns the hair salon with him.  
 4 Q. Did you have another sister?  
 5 A. Yes, I did. Her name is Connie Green -- or  
 6 Connie Williams.  
 7 Q. Is she deceased?  
 8 A. Yes, she is.  
 9 Q. And when did she pass away?  
 10 MR. JAFFREE: Is that question relevant to  
 11 the jury voir dire?  
 12 MS. NELSON: You can make your objection.  
 13 MR. JAFFREE: Let me object. I'm not  
 14 going to instruct her not to answer.  
 15 It's just that this has really gone  
 16 way up field.  
 17 MS. NELSON: You can make your objection.  
 18 A. I believe she passed away around 1990, 1992.  
 19 Q. And what were the circumstances?  
 20 A. I really don't know what this has to do with  
 21 this case, but she was murdered.  
 22 Q. And by whom?  
 23 A. By her boyfriend -- or ex-boyfriend.

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## FREEDOM COURT REPORTING

|  |  |
|--|--|
| <p style="text-align: right;">Page 37</p> <p>1 <b>Q. Do you know what his name was?</b><br/> 2 A. Victor Newman.<br/> 3 <b>Q. Newland?</b><br/> 4 A. Newman.<br/> 5 <b>Q. Newman. Was he charged with murder or</b><br/> 6 <b>convicted of anything?</b><br/> 7 A. Yes. Convicted of --<br/> 8 <b>Q. Convicted of what?</b><br/> 9 A. I assume murder. I can't remember. He's<br/> 10 serving a life sentence without parole.<br/> 11 <b>Q. Does he have family in the area?</b><br/> 12 A. I'm not -- I think maybe there is some family<br/> 13 in Midland City. I'm not sure.<br/> 14 <b>Q. Do you know where he worked or what he did?</b><br/> 15 A. No.<br/> 16 <b>Q. Did your sister Connie have any children?</b><br/> 17 A. Yes. She had two.<br/> 18 <b>Q. And how old are the children?</b><br/> 19 A. Now?<br/> 20 <b>Q. Now.</b><br/> 21 A. One is probably -- the little girl -- the girl<br/> 22 is probably 19, 20.<br/> 23 <b>Q. What's her name?</b></p>                     | <p style="text-align: right;">Page 39</p> <p>1 MR. JAFFREE: Well, I was thinking maybe I<br/> 2 can send you list of hers as well.<br/> 3 <b>Q. Well, just give me an idea. Other than your</b><br/> 4 <b>mom and dad, do they have brothers and sisters</b><br/> 5 <b>here?</b><br/> 6 A. Yes.<br/> 7 <b>Q. You're saying yes. So, like, how many cousins</b><br/> 8 <b>I assume you have here in town, in the area?</b><br/> 9 <b>When I say "area," South Alabama, Dothan.</b><br/> 10 A. I have many.<br/> 11 <b>Q. Okay. Well, I may make the same request then</b><br/> 12 <b>if you could provide your attorney with the</b><br/> 13 <b>names of your cousins and their spouses and</b><br/> 14 <b>where they work.</b><br/> 15 MS. NELSON: I don't think you gave me<br/> 16 anything about their employment on the<br/> 17 other.<br/> 18 A. Just cousins?<br/> 19 MR. JAFFREE: I was going to ask her to<br/> 20 supplement -- Mary Brackin to<br/> 21 supplement the information that she's<br/> 22 already provided to counsel.<br/> 23 <b>Q. I'm really looking for anybody that's over the</b></p> |
| <p style="text-align: right;">Page 38</p> <p>1 A. Tamara Newman.<br/> 2 <b>Q. Is she employed?</b><br/> 3 A. She's in the Air Force.<br/> 4 <b>Q. And the other child?</b><br/> 5 A. Victor Newman, Jr.<br/> 6 <b>Q. And is he employed?</b><br/> 7 A. I don't know. I don't have any contact with<br/> 8 him.<br/> 9 <b>Q. Do you have contact with Tamara?</b><br/> 10 A. Occasionally, not very often.<br/> 11 <b>Q. Any other relatives in the Dothan area? Do</b><br/> 12 <b>you have cousins?</b><br/> 13 <b>You're smiling like you've got a lot of</b><br/> 14 <b>relatives?</b><br/> 15 A. I have lots.<br/> 16 MR. JAFFREE: Did I ever give you that<br/> 17 list from --<br/> 18 MS. NELSON: You sent me some names, yes.<br/> 19 MR. JAFFREE: Mary's --<br/> 20 MS. NELSON: Mary Brackin's relatives.<br/> 21 <b>Q. Well, let me ask you this: Do you have -- I'm</b><br/> 22 <b>trying not to stay here all day, but I'm just</b><br/> 23 <b>trying to determine who's --</b></p> | <p style="text-align: right;">Page 40</p> <p>1 <b>age of 18 that lives in the South Alabama</b><br/> 2 <b>area, the names and over the age of 18?</b><br/> 3 MR. JAFFREE: Whether they're dead or<br/> 4 not?<br/> 5 MS. NELSON: Well --<br/> 6 MR. JAFFREE: You don't have to answer<br/> 7 that.<br/> 8 MS. NELSON: I have the right to know who<br/> 9 her relatives are and who may know her<br/> 10 or contact with her one way or the<br/> 11 other for jury purposes.<br/> 12 A. You said a list and where they work. Is that<br/> 13 what you asked for?<br/> 14 <b>Q. Yes.</b><br/> 15 <b>Maybe you can identify them as your cousin</b><br/> 16 <b>and aunts -- I mean, would your aunts and</b><br/> 17 <b>uncles -- you could add aunts and uncles.</b><br/> 18 <b>Their names were either -- your maiden name</b><br/> 19 <b>was? I'm sorry.</b><br/> 20 A. Green.<br/> 21 <b>Q. Green?</b><br/> 22 A. Yes.<br/> 23 <b>Q. But if you could give me aunts, uncles,</b></p>   |

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## FREEDOM COURT REPORTING

|   |  |
|---|--|
| <p style="text-align: right;">Page 41</p> <p>1 cousins, where they worked, I'd appreciate it;<br/> 2 and, again, I guess to the extent that nieces<br/> 3 and nephews are over the age of 19. You have<br/> 4 quite a -- how many are we talking about? Are<br/> 5 we talking about 20 -- 10, 20?<br/> 6 A. Nieces and nephews?<br/> 7 Q. No. Relatives.<br/> 8 A. Overall? No. We're talking about more than<br/> 9 20.<br/> 10 Q. Okay. My goodness. If you can do your best<br/> 11 to give me a list.<br/> 12 A. Okay.<br/> 13 Q. Have you ever been arrested for anything?<br/> 14 A. No, ma'am.<br/> 15 Q. Have you ever had a traffic ticket or anything<br/> 16 like that?<br/> 17 A. Yes, I have.<br/> 18 Q. Have you ever been convicted of any crime?<br/> 19 A. No.<br/> 20 Q. Have you ever filed for bankruptcy?<br/> 21 A. Yes.<br/> 22 Q. And when was that?<br/> 23 A. Probably around 1990.</p> | <p style="text-align: right;">Page 43</p> <p>1 ever had a deposition taken?<br/> 2 A. I've never had a deposition taken. I have<br/> 3 taken depositions by non-stenographic means<br/> 4 before in my employment with Legal Services.<br/> 5 Q. When you say you've taken them, you mean, like<br/> 6 as a court reporter?<br/> 7 A. Right. Our clients could not afford court<br/> 8 reporters, so I videotaped their depositions<br/> 9 and recorded on audio also and transcribed<br/> 10 them.<br/> 11 Q. But I'm asking -- and I may ask you about that<br/> 12 later -- but right now asking about yourself<br/> 13 giving sworn testimony in a deposition.<br/> 14 You've never done that; is that correct?<br/> 15 A. No, ma'am.<br/> 16 Q. Have you ever been in a lawsuit before, other<br/> 17 than this one?<br/> 18 A. I did file just a small claims action over a<br/> 19 car accident to get the other party to pay for<br/> 20 the damages to my vehicle.<br/> 21 Q. Do you know the name of that person that you<br/> 22 filed against?<br/> 23 A. No, I don't.</p> |
| <p style="text-align: right;">Page 42</p> <p>1 Q. You said you filed for bankruptcy in 1990?<br/> 2 A. 1990 or 1991. I'm not sure of the exact<br/> 3 date.<br/> 4 Q. And you know there are several types of<br/> 5 bankruptcy. Do you know what --<br/> 6 A. Chapter 7.<br/> 7 Q. Chapter 7?<br/> 8 A. Yes.<br/> 9 Q. And where was that where you filed?<br/> 10 A. Here in Dothan.<br/> 11 Q. And what was your name at the time?<br/> 12 A. Nancy Hurst.<br/> 13 Q. And have you filed for bankruptcy at any time<br/> 14 since then?<br/> 15 A. No, ma'am.<br/> 16 Q. And has that case been closed or --<br/> 17 A. Yes, many years ago.<br/> 18 Q. Have you ever served in the military?<br/> 19 A. No.<br/> 20 Q. How long has your son been in the military?<br/> 21 A. Four years.<br/> 22 Q. Other than this deposition that we're here<br/> 23 today -- I think I asked you this -- have you</p>     | <p style="text-align: right;">Page 44</p> <p>1 Q. Do you know when that was?<br/> 2 A. No.<br/> 3 Q. What was the outcome?<br/> 4 A. He was found guilty and a garnishment was --<br/> 5 MR. JAFFREE: I'm not sure he was found<br/> 6 guilty, probably more like liable.<br/> 7 A. Well, liable. Sorry. Liable. And there was<br/> 8 a garnishment issued on his wages.<br/> 9 Q. Has anyone ever sued you before?<br/> 10 A. No.<br/> 11 Q. Of course, when you were involved in your<br/> 12 divorces, there was legal action there; is<br/> 13 that correct?<br/> 14 A. They were uncontested. Yes.<br/> 15 Q. Did you file or --<br/> 16 A. I filed both times.<br/> 17 Q. Did you ever offer any testimony in those<br/> 18 cases?<br/> 19 A. No.<br/> 20 Q. Have you ever been a witness in a case where<br/> 21 you offered testimony?<br/> 22 A. In a lawsuit?<br/> 23 Q. Well, a lawsuit or any -- have you ever -- or</p>   |

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## FREEDOM COURT REPORTING

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|---|---|
| <p style="text-align: right;">Page 45</p> <p>1 a complaint against somebody or criminal<br/>2 action or misdemeanor action?<br/>3 A. No. The only testimony I've ever offered was<br/>4 in a personnel board hearing.<br/>5 <b>Q. What did that involve?</b><br/>6 A. It involved when Mary Beth Brackin had her<br/>7 personnel board hearing.<br/>8 <b>Q. And you testified there?</b><br/>9 A. Very briefly.<br/>10 <b>Q. What was the nature of your testimony?</b><br/>11 MR. JAFFREE: Can you just, for my<br/>12 purposes, explain what are you asking<br/>13 her, the nature of her testimony?<br/>14 <b>Q. What were you asked to testify about?</b><br/>15 A. My knowledge of the discriminatory action<br/>16 being taken -- being done by Judge Gordon in<br/>17 the magistrates' office.<br/>18 <b>Q. And who questioned you about that?</b><br/>19 A. Ishmael Jaffree and Len White.<br/>20 <b>Q. And were you under oath at that time?</b><br/>21 A. Yes, I was.<br/>22 <b>Q. Have you ever filed criminal charges against</b><br/>23 <b>anyone?</b></p> | <p style="text-align: right;">Page 47</p> <p>1 his house. I can't recall -- I believe he was<br/>2 arrested. I'm not sure, it was so long ago.<br/>3 <b>Q. Ever made any complaints against Roy Hurst?</b><br/>4 A. Yes, I did have a TRO against him.<br/>5 <b>Q. What was that for?</b><br/>6 A. He had -- was after we separated before we<br/>7 divorced, I believe. I'm not sure if it was<br/>8 before or after. He was, what I call,<br/>9 stalking me and the children and had attempted<br/>10 to run me and the children off the road while<br/>11 we were driving, continued to call me and call<br/>12 me and threaten to kill his self and just kept<br/>13 me and the kids upset all the time.<br/>14 <b>Q. And you had a restraining order against him?</b><br/>15 A. Yes.<br/>16 <b>Q. Did you have to go to court and offer any</b><br/>17 <b>testimony for that?</b><br/>18 A. I don't remember having to do that.<br/>19 <b>Q. Did you file any complaints or charges against</b><br/>20 <b>John Faison?</b><br/>21 A. No.<br/>22 <b>Q. Have you filed any charges or complaints</b><br/>23 <b>against Jim Martin?</b></p> |
| <p style="text-align: right;">Page 46</p> <p>1 A. No.<br/>2 <b>Q. Have you ever made a complaint against anyone</b><br/>3 <b>with the police department?</b><br/>4 A. Not that I can recall.<br/>5 <b>Q. Would you recall -- I mean, if you had to go</b><br/>6 <b>to the police and make a complaint, would you</b><br/>7 <b>not remember that?</b><br/>8 A. I may have -- I think I made -- yes, I did.<br/>9 Many years ago, I made a complaint with the<br/>10 police about harassing phone calls, harassing<br/>11 communication.<br/>12 <b>Q. And who was making these harassing phone</b><br/>13 <b>calls?</b><br/>14 A. Paul Shiver.<br/>15 <b>Q. Who is that?</b><br/>16 A. I don't know.<br/>17 <b>Q. Okay. How did that -- did the police</b><br/>18 <b>investigate that?</b><br/>19 A. There was a trace put on my line -- phone<br/>20 line.<br/>21 <b>Q. Did they stop?</b><br/>22 A. Only after they traced the call and the<br/>23 police -- as I remember, the police went to</p>  | <p style="text-align: right;">Page 48</p> <p>1 A. Yes.<br/>2 <b>Q. I thought I just asked you that a minute ago.</b><br/>3 <b>What did you --</b><br/>4 A. I just couldn't -- I just couldn't remember.<br/>5 <b>Q. What kind of complaints have you filed against</b><br/>6 <b>Jim Martin?</b><br/>7 A. Domestic violence.<br/>8 <b>Q. And when was this that you filed a complaint</b><br/>9 <b>against him?</b><br/>10 A. I believe it was in 2006, maybe end of May.<br/>11 <b>Q. And what type of domestic violence did you</b><br/>12 <b>complain about?</b><br/>13 MR. JAFFREE: Again, let me object to the<br/>14 relevance. I'm not going to instruct<br/>15 you not to answer, but this seems to<br/>16 be so far removed from this case.<br/>17 MS. NELSON: Your objection is noted.<br/>18 <b>Q. What type of domestic violence?</b><br/>19 MR. JAFFREE: Well, I'm not sure what<br/>20 she's asking for, what type.<br/>21 <b>Q. What had he done that caused you to file a</b><br/>22 <b>complaint against him?</b><br/>23 A. He had gotten extremely angry and had tried to</p>  |

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## FREEDOM COURT REPORTING

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|--|---|
| <p>1 choke me and had thrown me across the room and<br/>2 I hit the chest of drawers.<br/>3 <b>Q. Did you call the police, file a complaint?</b><br/>4 A. I called the police.<br/>5 <b>Q. Did that end up going to court?</b><br/>6 A. Yes, it did.<br/>7 <b>Q. Did you have to testify there?</b><br/>8 A. No, I didn't. It was eventually dismissed.<br/>9 <b>Q. Did he have to go to court?</b><br/>10 A. He went several times because it kept being<br/>11 continued.<br/>12 <b>Q. Did you testify against him?</b><br/>13 A. I never had to testify against him.<br/>14 <b>Q. And why is that?</b><br/>15 A. Because there never was court.<br/>16 MR. JAFFREE: She said the case got<br/>17 dismissed.<br/>18 <b>Q. Do you know why it was dismissed?</b><br/>19 A. No, I don't.<br/>20 <b>Q. Did it have anything to do with that you</b><br/>21 <b>didn't testify?</b><br/>22 A. I think it had more to do with the police<br/>23 officer didn't show up, I think.</p> | <p>1 <b>Q. And where is that?</b><br/>2 A. I believe it has a Dothan address, but I'm not<br/>3 sure what that is. Bethlehem Road I believe.<br/>4 <b>Q. Are you a member of any -- is it in Dothan?</b><br/>5 A. It's out -- well, it's -- a little bit out of<br/>6 Dothan, towards Midland City.<br/>7 <b>Q. How far is Midland City from Dothan?</b><br/>8 A. About 15, 20 minutes I guess.<br/>9 <b>Q. How about do you -- are you a member of any</b><br/>10 <b>type of civic organizations or social clubs?</b><br/>11 A. No.<br/>12 <b>Q. What do you do in your spare time when you are</b><br/>13 <b>not working?</b><br/>14 A. My husband and I ride motorcycles. I read a<br/>15 lot. And I spend time with my grandchildren.<br/>16 <b>Q. Do you have your own motorcycle?</b><br/>17 A. My husband.<br/>18 <b>Q. Speak up a little bit.</b><br/>19 <b>Are you a member of any type of motorcycle</b><br/>20 <b>riding club?</b><br/>21 A. No.<br/>22 <b>Q. When you ride, you ride with him?</b><br/>23 A. Yes.</p> |
| Page 50  | Page 52   |
| <p>1 <b>Q. Any other complaints against Jim Martin?</b><br/>2 A. No.<br/>3 <b>Q. Have you two ever separated?</b><br/>4 A. Yes, we have.<br/>5 <b>Q. Are you currently separated?</b><br/>6 A. No.<br/>7 <b>Q. And when were you separated?</b><br/>8 A. We were separated from the end of May till<br/>9 February of this year.<br/>10 <b>Q. Is there any other police reports or</b><br/>11 <b>complaints or charges that you've made against</b><br/>12 <b>anyone?</b><br/>13 A. I don't think so.<br/>14 <b>Q. Are you a member of any --</b><br/>15 MR. JAFFREE: You can ask your question.<br/>16 And then can we take a five minute<br/>17 break?<br/>18 MS. NELSON: We can break.<br/>19 (Brief recess)<br/>20 <b>Q. Are you a member of a church --</b><br/>21 A. Yes.<br/>22 <b>Q. -- in the area? Where do you go to church?</b><br/>23 A. I'm a member of Bethlehem Baptist Church.</p>  | <p>1 <b>Q. You don't have your own motorcycle; is that</b><br/>2 <b>correct?</b><br/>3 A. No.<br/>4 <b>Q. You said grandchildren; how many grandchildren</b><br/>5 <b>do you have?</b><br/>6 A. Three.<br/>7 <b>Q. I'm sorry. I think I registered one. Your</b><br/>8 <b>other two are -- was Chloe --</b><br/>9 A. Chloe is the one that lives with me with her<br/>10 mother. My other daughter Chanda has two<br/>11 children.<br/>12 <b>Q. And where do they live?</b><br/>13 A. With Chanda in Dothan.<br/>14 <b>Q. How old are they?</b><br/>15 A. 3 and 9.<br/>16 <b>Q. But as far as other activities -- I mean, as</b><br/>17 <b>far as going to a gym or anything like that,</b><br/>18 <b>do you belong to anything like that?</b><br/>19 A. No.<br/>20 <b>Q. Other than the EEOC charge that you filed in</b><br/>21 <b>the case against the City that we are here for</b><br/>22 <b>today, have you filed any other EEOC charges?</b><br/>23 A. No.</p>   |

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## FREEDOM COURT REPORTING

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|---|--|
| <p>1 Q. Tell me where you went to high school.</p> <p>2 A. Dale County High in Midland City.</p> <p>3 Q. And did you graduate?</p> <p>4 A. Yes.</p> <p>5 Q. What year was that?</p> <p>6 A. 1974.</p> <p>7 Q. And following graduation from high school, did</p> <p>8 you go on to take any other courses or college</p> <p>9 or training?</p> <p>10 A. Not right following high school. I married.</p> <p>11 Later I went back and got my B.S. degree in</p> <p>12 business administration at Troy State in</p> <p>13 Dothan. It's Troy University now.</p> <p>14 Q. What year was that?</p> <p>15 A. I think I graduated from there in 1999 I</p> <p>16 believe.</p> <p>17 Q. And that was a B.S.?</p> <p>18 A. Yes, it was.</p> <p>19 Q. Four years?</p> <p>20 A. Four years.</p> <p>21 Q. In business administration?</p> <p>22 A. Right.</p> <p>23 Q. Is that correct? Okay.</p>   | <p>1 Q. Okay. And when did you go to work for Legal</p> <p>2 Services?</p> <p>3 A. No, no, that's not right. Full-time would</p> <p>4 have been First Alabama Bank, which is now</p> <p>5 Regions Bank.</p> <p>6 Q. Well, let me back up. I mean, when you were</p> <p>7 in high school, did you work some part-time</p> <p>8 jobs?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Just briefly, where did you work?</p> <p>11 A. I worked at Hardee's. I worked at Davis</p> <p>12 Theaters. And then after -- after I married,</p> <p>13 I worked part-time at Penney's.</p> <p>14 Q. And what was your job there?</p> <p>15 A. I worked in advertising department as an</p> <p>16 assistant.</p> <p>17 Q. Was that here in Dothan?</p> <p>18 A. Yes.</p> <p>19 Q. And how long did you work there?</p> <p>20 A. Maybe a year and then was laid off.</p> <p>21 Q. Laid off?</p> <p>22 A. Yes.</p> <p>23 Q. And after Penney's, where did you work?</p>   |
| Page 54   | Page 56  |
| <p>1 A. I also had -- completed a certification</p> <p>2 program for paralegal at Troy Continuing</p> <p>3 Education.</p> <p>4 Q. And when was that?</p> <p>5 A. I believe that was -- year I completed was</p> <p>6 1994.</p> <p>7 Q. All right. Any other training or</p> <p>8 certifications that you have?</p> <p>9 A. Well, I've had tons of trainings but not</p> <p>10 certifications. No.</p> <p>11 Q. Trainings like on-the-job training or --</p> <p>12 A. Well, you know, just like SkillPath seminars,</p> <p>13 training, things like that.</p> <p>14 Q. What is SkillPath?</p> <p>15 A. It's a company that puts on trainings and</p> <p>16 seminars for anyone to attend.</p> <p>17 Q. So you said right after you graduated from</p> <p>18 high school, then what was the first -- you</p> <p>19 said you married?</p> <p>20 A. Right.</p> <p>21 Q. What was the first job you held, full-time</p> <p>22 job?</p> <p>23 A. Full-time would have been with Legal Services.</p> | <p>1 A. I believe First Alabama Bank was next.</p> <p>2 Q. Do you know about what year this was?</p> <p>3 A. Probably -- maybe 1976, around that time.</p> <p>4 Q. And what was your job at First Alabama Bank?</p> <p>5 A. I began as a teller; ended up as the secretary</p> <p>6 to the director of marketing and personnel.</p> <p>7 Q. And how long did you work there?</p> <p>8 A. Five years.</p> <p>9 Q. And who was the head of marketing and</p> <p>10 personnel?</p> <p>11 A. Betty Elsworth, E-L-S-W-O-R-T-H.</p> <p>12 Q. And was that here in Dothan?</p> <p>13 A. Yes.</p> <p>14 Q. And why did you leave First Alabama Bank?</p> <p>15 A. Betty Elsworth left, and I just wasn't happy</p> <p>16 with the direction. I guess we were kind of</p> <p>17 in limbo with no director. And a friend of</p> <p>18 mine told me about a legal secretary job</p> <p>19 available with a private attorney in Dothan,</p> <p>20 and I applied for it.</p> <p>21 Q. Did you leave voluntarily?</p> <p>22 A. Yes.</p> <p>23 Q. You were saying when Betty Elsworth left,</p> |

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|---|--|
| <p>1 nobody replaced her?</p> <p>2 A. Not for some time, no.</p> <p>3 Q. Who did you report to after she left?</p> <p>4 A. I don't recall.</p> <p>5 Q. Do you know how long you stayed after she</p> <p>6 left?</p> <p>7 A. Maybe a couple of months, two or three</p> <p>8 months. I'm not sure.</p> <p>9 Q. Were you ever disciplined or reprimanded when</p> <p>10 you worked for First Alabama Bank?</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. You said you heard about a job at a private</p> <p>13 law firm?</p> <p>14 A. Uh-huh (positive response).</p> <p>15 Q. And what was the name of the firm?</p> <p>16 A. Hardwick, Hause, and Segrest.</p> <p>17 Q. And did you go to work there?</p> <p>18 A. Yes, I did.</p> <p>19 Q. And what year was this?</p> <p>20 A. I'm not sure.</p> <p>21 Q. And what was your job there?</p> <p>22 A. Legal secretary.</p> <p>23 Q. And did you work for a particular lawyer?</p>                            | <p>1 A. Yes, I believe. No -- yes.</p> <p>2 Q. So you left because you were pregnant. You</p> <p>3 had a child. Did you go back to work after</p> <p>4 that?</p> <p>5 A. I actually went back to work part-time before</p> <p>6 I had the child, and it was less stressful. I</p> <p>7 went to work part-time for SouthTrust Bank.</p> <p>8 Q. Here in Dothan?</p> <p>9 A. Yes.</p> <p>10 Q. And what was your job there?</p> <p>11 A. I was a secretary/teller.</p> <p>12 Q. And who was your supervisor?</p> <p>13 A. Ronnie Owens.</p> <p>14 Q. Owen?</p> <p>15 A. Owens.</p> <p>16 Q. Okay. And what was his job?</p> <p>17 A. He was the branch manager.</p> <p>18 Q. What branch was this?</p> <p>19 A. The West Main branch.</p> <p>20 Q. And how long did you stay there?</p> <p>21 A. A year and a half.</p> <p>22 Q. Did your job change any?</p> <p>23 A. I actually did both. I was a teller two days</p>                                      |
| Page 58   | Page 60  |
| <p>1 A. Yes. I worked for Jerry Segrest.</p> <p>2 Q. Anyone else?</p> <p>3 A. No.</p> <p>4 Q. Okay. What types of duties did you have?</p> <p>5 A. Making appointments, typing letters, legal</p> <p>6 documents, billing clients, receiving payments</p> <p>7 from clients, filing documents with court.</p> <p>8 Q. How long did you work there?</p> <p>9 A. A year.</p> <p>10 Q. And why did you leave?</p> <p>11 A. I was pregnant and didn't want to be under</p> <p>12 that kind of pressure.</p> <p>13 Q. What type of pressure were you under?</p> <p>14 A. It was just very stressful.</p> <p>15 MS. NELSON: Off the Record.</p> <p>16 (Off-the-Record discussion)</p> <p>17 MS. NELSON: Back on the Record.</p> <p>18 Q. So getting pregnant with which child?</p> <p>19 A. My son.</p> <p>20 Q. So what year was that? Give me a reference</p> <p>21 anyway.</p> <p>22 A. He was born in February of '84.</p> <p>23 Q. So this was around '83?</p> | <p>1 and a secretary one day.</p> <p>2 Q. Were you ever disciplined or reprimanded while</p> <p>3 you were there?</p> <p>4 A. No.</p> <p>5 Q. And why did you leave?</p> <p>6 A. Because I wanted to work full-time again, and</p> <p>7 I was offered a job by Legal Services.</p> <p>8 Q. When did you go to work for Legal Services?</p> <p>9 A. November of '84.</p> <p>10 Q. Was that here in Dothan?</p> <p>11 A. Yes, it was.</p> <p>12 Q. Do they still have an office here?</p> <p>13 A. Yes, they do.</p> <p>14 Q. And how long did you work for Legal Services?</p> <p>15 A. For almost 20 years.</p> <p>16 Q. What was your job there?</p> <p>17 A. I was executive secretary.</p> <p>18 Q. The entire time?</p> <p>19 A. No. I started as a legal secretary, was</p> <p>20 promoted to executive.</p> <p>21 Q. And when were you promoted?</p> <p>22 A. I don't recall the year. After I had been</p> <p>23 there about nine or ten years.</p> |

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## FREEDOM COURT REPORTING

| Page 61  | Page 63   |
|--|---|
| <p>1 <b>Q. What is the difference between a legal</b><br/> 2 <b>secretary and an executive secretary?</b><br/> 3 A. A legal secretary, I typed letters and court<br/> 4 documents and drafted legal documents. As an<br/> 5 executive secretary, it was somewhat like an<br/> 6 officer manager. I was over other<br/> 7 administrative staff and --<br/> 8 <b>Q. How many -- I'm sorry. Go ahead. I was going</b><br/> 9 <b>to say how -- you said you were over</b><br/> 10 <b>administrative staff?</b><br/> 11 A. Uh-huh (positive response). It varied from<br/> 12 year to year.<br/> 13 <b>Q. The other staff would include what type of</b><br/> 14 <b>employees?</b><br/> 15 A. Legal secretaries, receptionists.<br/> 16 <b>Q. How many legal secretaries were there besides</b><br/> 17 <b>yourself?</b><br/> 18 A. When I first took over -- well, I<br/> 19 oversaw -- we had the Dothan office and we had<br/> 20 a Troy satellite office. Also there was a<br/> 21 legal secretary and receptionist there. And<br/> 22 there was a receptionist in Dothan and<br/> 23 three -- three maybe legal secretaries in</p> | <p>1 A. Ishmael Jaffree.<br/> 2 <b>Q. That's your attorney here today; is that</b><br/> 3 <b>correct?</b><br/> 4 A. Yes, it is.<br/> 5 <b>Q. And what was Mr. Jaffree's title?</b><br/> 6 A. Managing attorney.<br/> 7 <b>Q. And how long did you report to him?</b><br/> 8 A. Till I left in 2004.<br/> 9 <b>Q. So approximately how long did you report to</b><br/> 10 <b>him?</b><br/> 11 MR. JAFFREE: Let's stipulate that it was<br/> 12 14 years. Okay?<br/> 13 MS. NELSON: Well, I'm asking her to<br/> 14 testify, please.<br/> 15 MR. JAFFREE: She doesn't recall.<br/> 16 A. No, I do recall. Probably at least 12, 13,<br/> 17 something like that.<br/> 18 <b>Q. And this was -- the whole time, you worked in</b><br/> 19 <b>the Dothan office?</b><br/> 20 A. Yes.<br/> 21 <b>Q. And besides Mr. Jaffree, how many other</b><br/> 22 <b>attorneys where there in the office?</b><br/> 23 A. At what point? I mean, when I first started</p>   |
| Page 62  | Page 64   |
| <p>1 Dothan.<br/> 2 <b>Q. And who did you report to when you</b><br/> 3 <b>first -- who hired you?</b><br/> 4 A. Steve Caley.<br/> 5 <b>Q. Spell that?</b><br/> 6 A. C-A-L-E-Y.<br/> 7 <b>Q. Was he a lawyer?</b><br/> 8 A. Yes.<br/> 9 <b>Q. Is that who you reported to?</b><br/> 10 A. Yes.<br/> 11 <b>Q. And how long did you report to Steve Caley?</b><br/> 12 A. Till he left, but I don't know how many years<br/> 13 that was. I don't recall.<br/> 14 <b>Q. Approximately?</b><br/> 15 A. Maybe -- I don't know. Six years.<br/> 16 <b>Q. Who did you report to after he left?</b><br/> 17 A. In the interim, I reported to Mike Miskowic,<br/> 18 M-I-S-K-O-W-I-C.<br/> 19 <b>Q. Was he a lawyer there?</b><br/> 20 A. Yes.<br/> 21 <b>Q. And how long did you report to Mike Miskowic?</b><br/> 22 A. A few months maybe.<br/> 23 <b>Q. And then who did you report to?</b></p>  | <p>1 there, there was a lot more attorneys there<br/> 2 then. Then over the years, there became less<br/> 3 attorneys because of budget cuts.<br/> 4 <b>Q. Well, I don't -- not having worked there,</b><br/> 5 <b>that's what I was trying to understand.</b><br/> 6 A. There might have been -- when I started there,<br/> 7 there was probably seven or eight attorneys.<br/> 8 <b>Q. And so within the last five years that you</b><br/> 9 <b>worked there, how many attorneys were there?</b><br/> 10 A. Four or five.<br/> 11 <b>Q. And did Legal Services -- did you in any way</b><br/> 12 <b>report to somebody in Montgomery or --</b><br/> 13 A. Not directly, no. The managing attorney<br/> 14 reported to the central office.<br/> 15 <b>Q. Was the central office in Montgomery?</b><br/> 16 A. Yes, it was.<br/> 17 <b>Q. Are there offices around the state?</b><br/> 18 A. Around the country. Yes.<br/> 19 <b>Q. Alabama --</b><br/> 20 A. Yes.<br/> 21 <b>Q. Is there like Alabama Legal Services?</b><br/> 22 A. Yes.<br/> 23 <b>Q. Is that correct? And are there a number of</b></p> |

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|--|---|
| <p>1 offices around the state of Alabama that</p> <p>2 report to Alabama Legal Services?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know how many offices there are?</p> <p>5 A. No, I don't.</p> <p>6 Q. I mean, did you ever have any interaction with</p> <p>7 any other offices in the state of Legal</p> <p>8 Services?</p> <p>9 A. At trainings.</p> <p>10 Q. Okay.</p> <p>11 A. Very, very little otherwise.</p> <p>12 Q. Did you go to Montgomery for training?</p> <p>13 A. I went -- yes, I did go sometimes, yes.</p> <p>14 Q. While you worked at Legal Services, were you</p> <p>15 ever reprimanded or disciplined in any way?</p> <p>16 A. I remember being reprimanded one time. We had</p> <p>17 a new attorney there that was having problems</p> <p>18 preparing a certain legal document. And I had</p> <p>19 been there for quite awhile. And I thought I</p> <p>20 was assisting him in preparing it by showing</p> <p>21 him ones we had done before and, you know,</p> <p>22 suggesting. But he went to the senior staff</p> <p>23 attorney and told him that I was trying to</p> | <p>1 Q. And what job did you accept at the City of</p> <p>2 Dothan?</p> <p>3 A. Municipal court administrator.</p> <p>4 Q. And tell me how you learned about that job.</p> <p>5 A. In the newspaper.</p> <p>6 Q. And was it just an ad in the --</p> <p>7 A. Yes.</p> <p>8 Q. -- classified --</p> <p>9 A. It was in the Dothan Eagle.</p> <p>10 Q. -- section?</p> <p>11 A. Classified employment ad.</p> <p>12 Q. And I gather you applied for that job; is that</p> <p>13 correct?</p> <p>14 A. Yes, I did.</p> <p>15 Q. I'm going to give you your calendar back.</p> <p>16 A. Thank you.</p> <p>17 Q. We tried to make copies best we could. I'm</p> <p>18 marking as Exhibit 5, which I think I may have</p> <p>19 already done, just what you've given me. And</p> <p>20 I may reserve the right to have to refer to</p> <p>21 your actual original calendar because I don't</p> <p>22 know how well it copied after, you know,</p> <p>23 having to open the spiral pages. That was</p>  |
| Page 66  | Page 68   |
| <p>1 tell him how to practice law, and the senior</p> <p>2 staff attorney wrote me up.</p> <p>3 Q. Who was that?</p> <p>4 A. Mike Miskowic. Oh, you mean, the person that</p> <p>5 wrote me up?</p> <p>6 Q. Yes, the person who wrote you up.</p> <p>7 A. Mike Miskowic.</p> <p>8 Q. Did you disagree with that writeup?</p> <p>9 A. Yes, I did.</p> <p>10 Q. And why is that?</p> <p>11 A. Because I was only assisting. I wasn't trying</p> <p>12 to tell him how to practice law.</p> <p>13 Q. What types of cases did Legal Services handle?</p> <p>14 A. Social Security disability, unemployment,</p> <p>15 housing, family law.</p> <p>16 Q. When you say "family law" --</p> <p>17 A. Uncontested divorces, custody.</p> <p>18 Q. And why did you leave Legal Services?</p> <p>19 A. For what I thought was a great career move to</p> <p>20 the City of Dothan.</p> <p>21 Q. And so you left Legal Services and went to</p> <p>22 work for the City of Dothan; is that correct?</p> <p>23 A. Yes, I did.</p>  | <p>1 just one of the housekeeping notes.</p> <p>2 (Defendants' Exhibit 5 was marked</p> <p>3 for identification.)</p> <p>4 Q. Now, when you saw the ad in the paper -- in</p> <p>5 the Dothan Eagle about the job at the City,</p> <p>6 what -- for court administrator; is that</p> <p>7 correct?</p> <p>8 A. Uh-huh (positive response).</p> <p>9 Q. What did you do? I mean, did you come down</p> <p>10 here to the Civic Center? Did you come down</p> <p>11 here? Did you call anybody?</p> <p>12 A. I came down here and picked up the application</p> <p>13 to complete.</p> <p>14 Q. In the personnel office?</p> <p>15 A. Yes, I believe so.</p> <p>16 Q. And did you complete that and turn it back in?</p> <p>17 A. Yes, I did.</p> <p>18 Q. Do you know who you turned it back in to?</p> <p>19 A. No, I don't. In the personnel office.</p> <p>20 Q. Do you remember when you saw the ad in the</p> <p>21 paper what was in that ad?</p> <p>22 A. I believe -- I believe it had something in it</p> <p>23 about you would be overseeing the municipal</p> |

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|---|--|
| <p>1 court's magistrates' office, supervising<br/>2 magistrates and clerks, be responsible for the<br/>3 traffic tickets that came in, for the fines<br/>4 that were collected, administrative duties. I<br/>5 can't recall everything that it said.<br/>6 <b>Q. Okay.</b><br/>7 A. I believe it said something about education<br/>8 you had to have and experience.<br/>9 <b>Q. When you turned your application in, did you</b><br/>10 <b>talk to anyone or they said they would set up</b><br/>11 <b>an interview?</b><br/>12 A. I don't recall being told that.<br/>13 <b>Q. Okay. I'll mark that as Defendants' Exhibit 7</b><br/>14 <b>and ask you if you can look at that, please,</b><br/>15 <b>and tell me if you can identify that as your</b><br/>16 <b>application to the City.</b><br/>17 <b>(Defendants' Exhibit 7 was marked</b><br/>18 <b>for identification.)</b><br/>19 A. Yes.<br/>20 <b>Q. You indicated under your education that you</b><br/>21 <b>had been to Wallace Community College?</b><br/>22 A. I did my general studies there and transferred<br/>23 to Troy to complete my degree.</p> | <p>1 annual salary?<br/>2 A. When I left?<br/>3 <b>Q. Yes.</b><br/>4 A. I believe it was 27,000.<br/>5 <b>Q. I'm also looking on your application that you</b><br/>6 <b>worked for Charter Woods Behavioral Health?</b><br/>7 A. Part-time in addition to my full-time.<br/>8 Actually, Charter Woods was what -- was what<br/>9 it was called before it was Ramsey.<br/>10 <b>Q. I see. So this was part-time receptionist?</b><br/>11 A. Right.<br/>12 <b>Q. On the weekends primarily?</b><br/>13 A. Right.<br/>14 <b>Q. And you've also listed McRae's --</b><br/>15 A. Part-time.<br/>16 <b>Q. -- where you worked. That was part-time work?</b><br/>17 A. Right. During Christmas.<br/>18 (Brief pause)<br/>19 <b>Q. You listed references as Linda Lund; is that</b><br/>20 <b>correct?</b><br/>21 A. Yes.<br/>22 <b>Q. Who is Linda?</b><br/>23 A. She was an attorney at Legal Services at one</p>  |
| Page 70   | Page 72  |
| <p>1 <b>Q. When you say "general studies," the --</b><br/>2 A. The first couple of years. I didn't get a<br/>3 degree there. My intention was not to get a<br/>4 two-year degree. It was to get a four-year<br/>5 degree.<br/>6 <b>Q. So you're saying that transferred --</b><br/>7 A. Right.<br/>8 <b>Q. -- to Troy State --</b><br/>9 A. Right.<br/>10 <b>Q. -- to get your degree?</b><br/>11 A. Yes.<br/>12 <b>Q. I had asked you about some other employment.</b><br/>13 <b>You also listed that you have worked at Ramsey</b><br/>14 <b>Youth Services?</b><br/>15 A. That was part-time while I was employed with<br/>16 Legal Services. I answered the phone in<br/>17 addition to my full-time job.<br/>18 <b>Q. Did you work -- what hours of the day did you</b><br/>19 <b>work for Ramsey Youth Services?</b><br/>20 A. I usually worked the weekends, sometimes one<br/>21 or two nights a week after my -- from about<br/>22 5:30 till 9, 9:30.<br/>23 <b>Q. What was your salary at Legal Services -- your</b></p>  | <p>1 time.<br/>2 <b>Q. Daphne Rudicell?</b><br/>3 A. She was also an attorney at Legal Services but<br/>4 is in private practice now.<br/>5 <b>Q. And Ted Gashaw?</b><br/>6 A. He was my supervisor when I worked for First<br/>7 Alabama Bank.<br/>8 <b>Q. And Mary Jarrett?</b><br/>9 A. She's a personal friend of mine that owns<br/>10 Print Services of Dothan.<br/>11 (Defendants' Exhibit 8 was marked<br/>12 for identification.)<br/>13 <b>Q. Let me show you what I've marked as</b><br/>14 <b>Defendants' Exhibit 8 and ask if you can</b><br/>15 <b>identify that for me, please.</b><br/>16 <b>What are you laughing about?</b><br/>17 A. That he almost fell.<br/>18 <b>Q. Oh.</b><br/>19 <b>That first page is a job announcement for</b><br/>20 <b>the court administrator in September of 2003.</b><br/>21 <b>Is that the job you applied for?</b><br/>22 A. It could be. I don't remember it saying three<br/>23 years to complete the Alabama Court Clerks and</p> |

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| <p>1 Magistrates Association Certification</p> <p>2 Program. I thought it said two years, but</p> <p>3 other than that, it could be.</p> <p>4 <b>Q. Was it your understanding that you were</b></p> <p>5 <b>supposed to complete a certification program?</b></p> <p>6 A. Yes.</p> <p>7 <b>Q. And did you work toward completing that</b></p> <p>8 <b>certification program once you were hired?</b></p> <p>9 A. I had only been able to do -- there were four</p> <p>10 orientation sessions before I was terminated.</p> <p>11 <b>Q. And how many orientation sessions had you</b></p> <p>12 <b>done?</b></p> <p>13 A. There was only four, and I had completed the</p> <p>14 four.</p> <p>15 <b>Q. Did you obtain an interview for consideration</b></p> <p>16 <b>for the job of court administrator?</b></p> <p>17 A. Yes, I did.</p> <p>18 MR. JAFFREE: Point of clarification. Is</p> <p>19 that an exhibit that you're</p> <p>20 introducing as a document she</p> <p>21 received?</p> <p>22 MS. NELSON: No. It's a document that I</p> <p>23 asked her about.</p> | <p>1 personnel department? Did Personnel give it</p> <p>2 to you?</p> <p>3 A. It was in the newspaper or -- no. It was on</p> <p>4 the web site.</p> <p>5 <b>Q. So you could go on www.dothan.org or something</b></p> <p>6 <b>of that nature and pull up the job posting?</b></p> <p>7 A. Yes, I believe.</p> <p>8 <b>Q. And what the job entailed?</b></p> <p>9 A. Yes, ma'am.</p> <p>10 <b>Q. And while you may not have seen this actual</b></p> <p>11 <b>Exhibit 8 that's in my hand, what I've showed</b></p> <p>12 <b>you was virtually what you saw on the</b></p> <p>13 <b>Internet; is that correct, the posting?</b></p> <p>14 MR. JAFFREE: If you know.</p> <p>15 A. I don't know. I -- I would have to read that</p> <p>16 whole thing to know.</p> <p>17 <b>Q. Okay.</b></p> <p>18 MR. JAFFREE: I think it would be more</p> <p>19 than that. She'd have to recall</p> <p>20 everything she saw on the Internet</p> <p>21 site.</p> <p>22 A. I'm not sure. I know I couldn't recall</p> <p>23 everything that was listed on that.</p> |
| Page 74   | Page 76   |
| <p>1 MR. JAFFREE: Okay.</p> <p>2 MS. NELSON: It's my deposition. You can</p> <p>3 ask your questions later on.</p> <p>4 MR. JAFFREE: Well, no, I'm asking you the</p> <p>5 question. I was trying to get a point</p> <p>6 of information as to if that was a</p> <p>7 document that she allegedly received.</p> <p>8 <b>Q. Well, your attorney, apparently, is trying to</b></p> <p>9 <b>testify for you. Did you ever receive a</b></p> <p>10 <b>document --</b></p> <p>11 MR. JAFFREE: I'm not.</p> <p>12 <b>Q. -- called a position announcement?</b></p> <p>13 A. Not --</p> <p>14 <b>Q. But you saw this --</b></p> <p>15 A. Not that one.</p> <p>16 <b>Q. But you saw a position announcement, did you?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. And you also saw the job description of what</b></p> <p>19 <b>the --</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. -- job entailed?</b></p> <p>22 <b>And where did you receive that, through</b></p> <p>23 <b>your interview? Was it posted on the</b></p>  | <p>1 MR. JAFFREE: I mean, other than match it</p> <p>2 up. And seems like she'd have to do</p> <p>3 that.</p> <p>4 <b>Q. Well, I'm not asking you to match up every</b></p> <p>5 <b>single -- but for the most part, you had</b></p> <p>6 <b>access to the posting and to the definition of</b></p> <p>7 <b>the job and examples of work and what the</b></p> <p>8 <b>experience and qualifications were; is that</b></p> <p>9 <b>correct?</b></p> <p>10 A. I have knowledge -- some knowledge -- memory</p> <p>11 of what was posted on the web site on that</p> <p>12 date. Not saying that that is what was</p> <p>13 posted.</p> <p>14 <b>Q. "That" being Exhibit 8?</b></p> <p>15 A. Right.</p> <p>16 MR. JAFFREE: Would you like to read that</p> <p>17 to see --</p> <p>18 THE WITNESS: I still wouldn't recall all</p> <p>19 of it.</p> <p>20 MR. JAFFREE: -- the contents in case</p> <p>21 somehow they're going to use something</p> <p>22 that's in there in some mysterious way</p> <p>23 as to you're assenting to something.</p>     |

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|--|---|
| <p>1 I mean, if you want to read that --</p> <p>2 she would have the opportunity to read</p> <p>3 that, correct? You don't have a</p> <p>4 problem with this witness reading that</p> <p>5 document?</p> <p>6 MS. NELSON: I don't have a problem with</p> <p>7 her reading it. She said she saw</p> <p>8 something on the web site. She</p> <p>9 doesn't know if she got this</p> <p>10 particular document.</p> <p>11 MR. JAFFREE: Well, I think if you're</p> <p>12 going to ask her questions about that</p> <p>13 document, she should have an</p> <p>14 opportunity to examine it since she</p> <p>15 acknowledged having not receiving it.</p> <p>16 MS. NELSON: I did give it to her and</p> <p>17 asked her to look at it.</p> <p>18 MR. JAFFREE: But you asked her to look at</p> <p>19 it like you were asking her to look at</p> <p>20 a funny page. I mean, this is a</p> <p>21 substantive document here.</p> <p>22 MS. NELSON: She can look at it all day.</p> <p>23 I'm just asking what she remembers.</p> | <p>1 her questions. I have asked her --</p> <p>2 MR. JAFFREE: I'm not trying to be</p> <p>3 clever. I'm just trying to say,</p> <p>4 there's a lot here. And if you're</p> <p>5 going to ask her specific questions</p> <p>6 about this, I think she should be</p> <p>7 given opportunity to review it. Is</p> <p>8 that unreasonable?</p> <p>9 MS. NELSON: She's had every opportunity</p> <p>10 to review it.</p> <p>11 THE WITNESS: No, I have not.</p> <p>12 MS. NELSON: Well, we can sit here and</p> <p>13 look through it.</p> <p>14 MR. JAFFREE: That's not necessary unless</p> <p>15 you're going to ask her specific</p> <p>16 questions about it.</p> <p>17 <b>Q. When you got on the Internet and looked at the</b></p> <p>18 <b>job, tell me what you remember seeing.</b></p> <p>19 A. I can't tell you word for word what I</p> <p>20 remembered seeing, and this document may not</p> <p>21 have what I saw.</p> <p>22 <b>Q. But it could; you just don't know?</b></p> <p>23 A. But this was printed probably recently.</p>   |
| Page 78  | Page 80   |
| <p>1 She's telling me she remembers. She</p> <p>2 got on the web site. She saw the</p> <p>3 posting. She can't remember</p> <p>4 everything that she saw.</p> <p>5 <b>Q. Ms. Martin --</b></p> <p>6 MR. JAFFREE: Let me ask you.</p> <p>7 MS. NELSON: It's my deposition.</p> <p>8 MR. JAFFREE: Yeah. I understand that.</p> <p>9 MS. NELSON: You can state your</p> <p>10 objections.</p> <p>11 MR. JAFFREE: Well, this is a bit more</p> <p>12 than an objection. If you're going to</p> <p>13 ask her some specific questions about</p> <p>14 this document or something that's</p> <p>15 contained in this document, I'd like</p> <p>16 for her to have an opportunity to read</p> <p>17 this. If you are not, then I guess</p> <p>18 you won't have to. But there are</p> <p>19 several pages here, substantive</p> <p>20 information, a lot of different</p> <p>21 provisions and --</p> <p>22 MS. NELSON: And I think you're trying to</p> <p>23 testify for your client. You can ask</p>                           | <p>1 <b>Q. Do you know what -- when you say it was</b></p> <p>2 <b>printed recently, why do you say that?</b></p> <p>3 A. Because it looks like -- it looks new.</p> <p>4 <b>Q. Do you --</b></p> <p>5 A. I do -- I don't believe this was in blue print</p> <p>6 when I saw it on the Internet. This is a new,</p> <p>7 printed document. It might be the same -- it</p> <p>8 might be --</p> <p>9 <b>Q. It might be the same thing you saw --</b></p> <p>10 A. Might be, but I can't say that it is.</p> <p>11 <b>Q. All right. Do you have any reason to believe</b></p> <p>12 <b>that that date of the court administrator on</b></p> <p>13 <b>September 15, 2003, is erroneous as the</b></p> <p>14 <b>closing date for that job?</b></p> <p>15 A. It could be correct.</p> <p>16 <b>Q. Do you have any reason to believe that the job</b></p> <p>17 <b>announcement that you were seeking interest in</b></p> <p>18 <b>was Job Number 013-03-01?</b></p> <p>19 A. I'm not sure that that was the position</p> <p>20 number. I can't say.</p> <p>21 <b>Q. But do you have any reason to say that it's</b></p> <p>22 <b>not?</b></p> <p>23 A. Other than --</p> |

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|---|---|
| <p>1 MR. JAFFREE: She has no reason to say<br/>2 either way. That's what she's<br/>3 saying. She don't remember that.<br/>4 <b>Q. Would you --</b><br/>5 MS. NELSON: Well, she's trying to point<br/>6 out that it's a newly printed<br/>7 document.<br/>8 <b>Q. Would you have any reason to believe that the</b><br/>9 <b>personnel office would not keep an accurate</b><br/>10 <b>file of the documents they had on their system</b><br/>11 <b>regarding this particular posting?</b><br/>12 MR. JAFFREE: That's beyond her<br/>13 providence.<br/>14 MS. NELSON: I'm asking --<br/>15 MR. JAFFREE: She doesn't know anything<br/>16 about the personnel office.<br/>17 <b>Q. Well, I'm asking, do you have any reason to</b><br/>18 <b>believe that they would not keep accurate</b><br/>19 <b>records of that particular job and that job</b><br/>20 <b>posting?</b><br/>21 A. Given my experience with the friendship of Kai<br/>22 Davis and Judge Gordon, yes, I do have<br/>23 suspicion that it could've been doctored or</p>  | <p>1 MR. JAFFREE: You're arguing with this<br/>2 witness. You asked her to verify the<br/>3 authenticity of a document that's<br/>4 she's in no position to verify.<br/>5 MS. NELSON: No, I'm not asking her. I'm<br/>6 asking her if she can remember when<br/>7 she looked on the Internet<br/>8 seeing -- I'm on page two of this<br/>9 particular document -- examples of<br/>10 work being performed.<br/>11 <b>Q. Do you recall any of those items being there?</b><br/>12 MR. JAFFREE: Let the Record reflect that<br/>13 the witness is reading the document.<br/>14 THE WITNESS: The second page of the<br/>15 document.<br/>16 (Brief pause)<br/>17 <b>Q. Do you recognize those?</b><br/>18 A. A few of them. I'm not sure about all of<br/>19 them.<br/>20 <b>Q. Okay. Thank you. And when you filled out</b><br/>21 <b>your application, Defendants' Exhibit Number</b><br/>22 <b>7, do you know if any other documents would</b><br/>23 <b>have been given to you at that time about the</b></p>                      |
| Page 82   | Page 84   |
| <p>1 whatever.<br/>2 <b>Q. So it's your testimony that this document I'm</b><br/>3 <b>showing you regarding the job posting and the</b><br/>4 <b>job description could have been doctored,</b><br/>5 <b>based on a friendship between Judge Gordon and</b><br/>6 <b>Kai Davis; is that your testimony?</b><br/>7 A. It could have been.<br/>8 <b>Q. But you don't have any proof of that?</b><br/>9 A. You don't have any proof it wasn't.<br/>10 <b>Q. I'm asking you the questions here. This</b><br/>11 <b>document was not altered, number one. And I'm</b><br/>12 <b>asking you, if you're making a serious</b><br/>13 <b>allegation, what proof you have to support</b><br/>14 <b>that?</b><br/>15 MR. JAFFREE: What allegation? She didn't<br/>16 make an allegation.<br/>17 A. I didn't make an allegation.<br/>18 MR. JAFFREE: She said she doesn't know.<br/>19 A. That was my answer to your question.<br/>20 <b>Q. And I'm asking you, what proof do you have?</b><br/>21 A. That it was altered?<br/>22 <b>Q. Yes.</b><br/>23 A. I don't have any. I didn't say I had proof.</p> | <p>1 <b>job you were seeking?</b><br/>2 A. There could have been a -- I guess the copy of<br/>3 the ad or the job description given to me.<br/>4 I'm not sure.<br/>5 <b>Q. I was asking about the interview. You said</b><br/>6 <b>you interviewed; is that correct?</b><br/>7 A. Yes.<br/>8 <b>Q. How many interviews did you have?</b><br/>9 A. I recall two.<br/>10 <b>Q. Okay. The first one, do you recall when that</b><br/>11 <b>was?</b><br/>12 A. I think sometime in December of '03.<br/>13 <b>Q. Okay. You actually applied -- let me show you</b><br/>14 <b>here.</b><br/>15 A. I saw it. I believe in September.<br/>16 <b>Q. September of '03. Okay. Do you remember who</b><br/>17 <b>you interviewed with that first time?</b><br/>18 A. Judge Gordon, Kai Davis, and I believe Jim<br/>19 Smith.<br/>20 <b>Q. Okay. And where did this interview occur?</b><br/>21 A. I believe in some office here in the Civic<br/>22 Center. I'm not positive.<br/>23 <b>Q. Do you know how long the interview lasted?</b></p> |

21 (Pages 81 to 84)

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|--|--|
| <p style="text-align: right;">Page 85</p> <p>1 A. Forty-five minutes to an hour maybe.</p> <p>2 <b>Q. Do you know -- can you remember what occurred</b></p> <p>3 <b>in the interview? Describe for me the</b></p> <p>4 <b>interview that you can remember.</b></p> <p>5 A. I remember the judge going over the duties. I</p> <p>6 remember her questioning me about my</p> <p>7 education, my employment, why I wanted to</p> <p>8 leave Legal Services to take the job at the</p> <p>9 City. And I well remember her telling me</p> <p>10 three magistrates that I would have to look</p> <p>11 out for that could actually do physical harm</p> <p>12 to me.</p> <p>13 <b>Q. And she said that in the presence of yourself</b></p> <p>14 <b>and Kai Davis and Jim Smith?</b></p> <p>15 A. Yes. She was telling me about all the</p> <p>16 problems in the magistrates' office.</p> <p>17 <b>Q. What problems did she tell you?</b></p> <p>18 A. Well, basically that there were three problem</p> <p>19 employees. One would cause me all kind of</p> <p>20 problems -- or two would cause me all kind of</p> <p>21 problems. And the other one was just a</p> <p>22 follower. She didn't really instigate</p> <p>23 anything. She was a follower.</p> | <p style="text-align: right;">Page 87</p> <p>1 A. To the judge, Judge Gordon.</p> <p>2 <b>Q. And she said that?</b></p> <p>3 A. Yeah.</p> <p>4 <b>Q. What did Kai Davis say?</b></p> <p>5 A. Kai agreed with her. Said that she -- said</p> <p>6 that they were problems. They'd had problems</p> <p>7 for a while with these and that they hoped</p> <p>8 that hiring someone from the outside as</p> <p>9 myself, that I could come in, not being</p> <p>10 involved in the problems could take control</p> <p>11 and supervise everyone. And the Judge pledged</p> <p>12 me 100 percent support, that she would not</p> <p>13 interfere with my management of the</p> <p>14 magistrates' office, that she did not have</p> <p>15 time to hold court sessions and manage that</p> <p>16 office. And she would turn it completely over</p> <p>17 to me.</p> <p>18 <b>Q. Had you ever had any experience working with</b></p> <p>19 <b>magistrates before?</b></p> <p>20 A. No, I had not.</p> <p>21 <b>Q. Had you had any experience working in</b></p> <p>22 <b>municipal court before?</b></p> <p>23 A. No, I hadn't.</p>                                   |
| <p style="text-align: right;">Page 86</p> <p>1 <b>Q. And who were the two that you claim would</b></p> <p>2 <b>cause all kind of problems?</b></p> <p>3 MR. JAFFREE: Are you asking her from this</p> <p>4 interview?</p> <p>5 MS. NELSON: Yeah. From the interview.</p> <p>6 We were talking about the interview.</p> <p>7 Yes.</p> <p>8 <b>Q. I'm asking, what two people were you told</b></p> <p>9 <b>would cause you problems?</b></p> <p>10 A. They were not named at that first interview.</p> <p>11 <b>Q. Did you not ask questions about that?</b></p> <p>12 A. About the problems?</p> <p>13 <b>Q. Yes.</b></p> <p>14 A. Yeah, I'm sure I did.</p> <p>15 <b>Q. But you don't remember?</b></p> <p>16 A. I basically listened a lot because Kai and the</p> <p>17 judge were talking and must have reminded me</p> <p>18 ten times that I would have to able to stand</p> <p>19 up to these three and that I'd have to watch</p> <p>20 my back the whole time, that they would appear</p> <p>21 to be my friends, but then would sabotage me</p> <p>22 afterwards as they had done to her.</p> <p>23 <b>Q. Done to who?</b></p>   | <p style="text-align: right;">Page 88</p> <p>1 <b>Q. And it's your testimony, that first interview,</b></p> <p>2 <b>three people were mentioned but no names; is</b></p> <p>3 <b>that correct?</b></p> <p>4 A. Right.</p> <p>5 <b>Q. Did Kai Davis or Judge Gordon make any</b></p> <p>6 <b>comments about any concerns or problems in the</b></p> <p>7 <b>magistrates' office just in general without</b></p> <p>8 <b>identifying any people?</b></p> <p>9 A. In general?</p> <p>10 <b>Q. Yes.</b></p> <p>11 A. Yes.</p> <p>12 <b>Q. Do you remember what was said there?</b></p> <p>13 A. Not as much about that as the three that I</p> <p>14 should look out for. But, yes, that there had</p> <p>15 been a history of paperwork missing, a lot of</p> <p>16 errors being made. They did tell me they had</p> <p>17 just gone to a new court system, but I</p> <p>18 wouldn't be -- I wouldn't have as much</p> <p>19 training on it as the others had had because</p> <p>20 they had been trained by the -- the company</p> <p>21 HTE.</p> <p>22 <b>Q. You said, "new court system." New computer --</b></p> <p>23 A. New computer system. I'm sorry.</p> |

22 (Pages 85 to 88)

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|---|---|
| <p>1 Q. I'm sorry. The new computer system was HTE?</p> <p>2 A. Yes.</p> <p>3 Q. And I'm sorry. I was writing down court</p> <p>4 system. But, anyway, we were talking about a</p> <p>5 new computer system and that something was --</p> <p>6 you were telling me something about training.</p> <p>7 A. That I would not receive as much training as</p> <p>8 the magistrates had on it because they had</p> <p>9 gone through two, three weeks of training, but</p> <p>10 she would try to get me some training on it.</p> <p>11 Q. Was it your understanding that they were</p> <p>12 having some problems or issues with this new</p> <p>13 computer system?</p> <p>14 A. Yes.</p> <p>15 Q. Did Jim Smith say anything in the interview?</p> <p>16 A. I -- he didn't say a whole lot. He did make</p> <p>17 some comment when I left the interview because</p> <p>18 he kind of walked out the same time I did. If</p> <p>19 I understood right, he said, run while you</p> <p>20 can.</p> <p>21 Q. Did you ask him what he meant by that?</p> <p>22 A. No, because I was walking out the door. And</p> <p>23 he was just saying, bye, have a good day. And</p> | <p>1 getting the office back basically in one</p> <p>2 accord. There was a lot of dissension.</p> <p>3 MR. JAFFREE: I think this witness made a</p> <p>4 misstatement.</p> <p>5 MS. NELSON: You know, you have the chance</p> <p>6 to question her.</p> <p>7 MR. JAFFREE: Well, write down something</p> <p>8 that she didn't intend. But fine.</p> <p>9 Q. Do you know Kai Davis?</p> <p>10 A. Yes.</p> <p>11 Q. And how do you know Kai Davis?</p> <p>12 A. We went to school together.</p> <p>13 Q. At?</p> <p>14 A. Dale County.</p> <p>15 Q. Are you and Kai Davis friends?</p> <p>16 A. We were not great friends, no. Not close</p> <p>17 friends.</p> <p>18 Q. Do you know if other people were interviewing</p> <p>19 for the job?</p> <p>20 A. I assume so.</p> <p>21 Q. You do not know any of them?</p> <p>22 A. I don't know for a fact.</p> <p>23 Q. Do you know who had held the job prior to you?</p> |
| Page 90   | Page 92   |
| <p>1 then he said, you know, run while -- I think</p> <p>2 he said, run while you can. That's the best I</p> <p>3 understood it. He was walking, I guess, back</p> <p>4 wherever, and I was leaving.</p> <p>5 Q. Did you know Jim Smith?</p> <p>6 A. Only had heard of him. Didn't know him.</p> <p>7 Q. Did you ask questions during the interview?</p> <p>8 A. Did I ask questions?</p> <p>9 Q. Yes.</p> <p>10 A. I'm sure I asked about benefits and salary and</p> <p>11 probably about the setup of the office and</p> <p>12 things like that.</p> <p>13 Q. Did you have any concerns since you had no</p> <p>14 experience or training with magistrates or</p> <p>15 municipal court as to your ability to do the</p> <p>16 job?</p> <p>17 A. Not really. I had legal experience. I had</p> <p>18 supervisory experience. And that is what the</p> <p>19 judge stressed to me, that I just needed to</p> <p>20 be -- supervise, that I didn't have to work</p> <p>21 court. She didn't even want me worrying about</p> <p>22 that. All she wanted me to worry about was</p> <p>23 overseeing the magistrates and the clerks and</p>                           | <p>1 A. Bettye King.</p> <p>2 Q. Did you know Bettye King?</p> <p>3 A. No.</p> <p>4 Q. Did you know who held the job prior to Bettye</p> <p>5 King?</p> <p>6 A. Donna Nicholson.</p> <p>7 Q. Do you know Donna Nicholson?</p> <p>8 A. I do -- I do now. I didn't then.</p> <p>9 Q. You do now?</p> <p>10 A. Right. Well, Donna called me while -- not</p> <p>11 long after I was employed with the City, and</p> <p>12 she worked for an attorney that I was really</p> <p>13 good friends with.</p> <p>14 Q. What did she call you about?</p> <p>15 A. She called to see how I was doing and said</p> <p>16 that she'd help me if she could.</p> <p>17 Q. And who was she working for?</p> <p>18 A. She was working for Will Matthews.</p> <p>19 Q. Did you need her help?</p> <p>20 A. No.</p> <p>21 Q. Do you know why she left?</p> <p>22 A. Only hearsay.</p> <p>23 Q. And what did you hear?</p>                |

23 (Pages 89 to 92)

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|---|--|
| <p>1 A. I heard she was terminated; something about<br/>2 somebody took a vacation or something and<br/>3 didn't report the hours right. I'm not sure.<br/>4 <b>Q. I mean, other than what she told you, you<br/>5 don't have any personal knowledge --</b><br/>6 A. She didn't tell me that.<br/>7 <b>Q. -- of what actually occurred?</b><br/>8 A. She didn't tell me that. I heard it.<br/>9 <b>Q. Well, even what you heard, who did you hear it<br/>10 from?</b><br/>11 A. From Sarah Fowler.<br/>12 <b>Q. Okay. You said you had a second interview; is<br/>13 that correct?</b><br/>14 A. Uh-huh (positive response).<br/>15 <b>Q. Do you know when that was?</b><br/>16 A. No, I don't. I believe it was sometime also<br/>17 in December.<br/>18 <b>Q. And who was present at the second interview?</b><br/>19 A. Judge Gordon, Kathleen Nemish.<br/>20 <b>Q. And yourself?</b><br/>21 A. Yes.<br/>22 <b>Q. Who was Kathleen Nemish?</b><br/>23 A. She was a -- I'm not sure if she was just a</p>   | <p>1 again the three that caused the trouble, all<br/>2 the problems that had been in the magistrates'<br/>3 office for some time.<br/>4 <b>Q. Did she identify these three people at this<br/>5 time?</b><br/>6 A. Yes.<br/>7 <b>Q. And who were the three?</b><br/>8 A. Mary Turner, Mary Beth Brackin, and Sarah<br/>9 Fowler. But it was in a subsequent meeting<br/>10 before I started that she went over -- the<br/>11 Wednesday before I began work on, I believe,<br/>12 February the 16th, the judge had asked me to<br/>13 come in. And we sat down, and she began to<br/>14 tell me something about each magistrate.<br/>15 And she started with Mary Turner. And she<br/>16 told me that Mary Turner was a big<br/>17 troublemaker, that she kept something going in<br/>18 the magistrates' office at -- all the time,<br/>19 that she had had an incident with Kai Davis<br/>20 recently, which is one of the reasons -- the<br/>21 big reason that she didn't have an office.<br/>22 She had a cubby hole, and it was punishment.<br/>23 Then she went on to say that her</p>  |
| Page 94   | Page 96  |
| <p>1 court-appointed attorney, or if she was<br/>2 a -- I'm not sure. I don't recall right now.<br/>3 <b>Q. Had you ever worked with her?</b><br/>4 A. Had I ever worked with her? No.<br/>5 <b>Q. Did you work with her after you were hired?</b><br/>6 A. I had conversed with her maybe on the phone or<br/>7 in court. I'm not sure.<br/>8 <b>Q. But you don't know what her job was or role<br/>9 was?</b><br/>10 A. No.<br/>11 <b>Q. Tell me where the second interview occurred.</b><br/>12 A. I believe it was in the same office as before.<br/>13 <b>Q. And do you know about how long this interview<br/>14 lasted?</b><br/>15 A. I don't recall.<br/>16 <b>Q. Do you remember what was discussed in this<br/>17 interview?</b><br/>18 A. Some of the same things that was discussed in<br/>19 the first, just not as much.<br/>20 <b>Q. "Some of the same things," meaning?</b><br/>21 A. Of duties. I remember the judge going over<br/>22 with Kathleen what I told her about my<br/>23 experience, education. The judge brought up</p> | <p>1 counterpart was Mary Beth Brackin, who they<br/>2 were friends. She said that Mary Beth had<br/>3 been -- recently created a situation for the<br/>4 City; supposedly had advised a defendant that<br/>5 if he had an issue with the City, that he<br/>6 should take it to the city clerk. Said that I<br/>7 would have to review that material, that<br/>8 incident, after I started and would have to<br/>9 write her up disciplinary action.<br/>10 Then she said Sarah Fowler is the one that<br/>11 is the follower, that she would never<br/>12 instigate anything on her own, that she wasn't<br/>13 strong enough to stand up to Mary Beth and<br/>14 Mary Turner, and she just went along with<br/>15 them.<br/>16 She told me about Mary -- I'm sorry --<br/>17 Michelle Bryan. She said she was very young,<br/>18 very pretty, was divorced, socialized a lot on<br/>19 the telephone, and had police officers in her<br/>20 office a lot socializing, and was dating<br/>21 several police officers, and that I would<br/>22 really have to cut down on her socializing.<br/>23 She then told me about Valarie Savage, a</p> |

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|---|--|
| <p>1 friend of Michelle Bryan's. Said that Valarie<br/>2 had a very poor attitude, was -- had<br/>3 previously worked for Judge Steensland at the<br/>4 Houston County Court, and had been let go<br/>5 there. She told me she had been sleeping with<br/>6 prisoners while employed at Houston County and<br/>7 could possibly be doing the same thing here at<br/>8 Dothan. She told me I would have to watch out<br/>9 for her, that she, too, could cause me a lot<br/>10 of problems, very outspoken.</p> <p>11 She then told me about Ann Baxter who she<br/>12 said was -- had a problem balancing her money,<br/>13 that she had recently come up \$500 short in<br/>14 her money drawer. And the judge said she<br/>15 believed that Ann had stolen the money, and<br/>16 she didn't know why because Ann had inherited<br/>17 money; she was rich and owned a real estate<br/>18 company. And that was another incident that I<br/>19 would have to be involved in the disciplinary<br/>20 action. And she would get those -- that<br/>21 information to me at a later time.</p> <p>22 And she identified -- excuse me -- she<br/>23 identified all of these magistrates at a later</p> | <p>1 in the new office at this meeting by that<br/>2 time. She put Lavera in charge of the move.<br/>3 The offices, Lavera had assigned.</p> <p>4 And, basically, told me about, you know,<br/>5 the court sessions, what days. Said that, you<br/>6 know, that I would help her with court, but I<br/>7 would not work court. I would not actually do<br/>8 the computer, that magistrates were assigned<br/>9 to do that. But I just came over to see that<br/>10 everything was going smoothly or to get things<br/>11 for her and make sure the fines room was quiet<br/>12 and check with the magistrate in the fines<br/>13 room occasionally.</p> <p>14 <b>Q. I'm sorry. The fines room?</b><br/>15 A. Uh-huh (positive response).<br/>16 <b>Q. What is a fines room?</b><br/>17 A. Where the fines were paid by defendants.<br/>18 <b>Q. Let me back up. I was asking you about the</b><br/>19 <b>second interview, and you started telling me a</b><br/>20 <b>story about things said after -- on February</b><br/>21 <b>16th. I was going back through that second</b><br/>22 <b>interview with Judge Gordon, Kathleen Nemish,</b><br/>23 <b>and yourself.</b></p> |
| Page 98   | Page 100   |
| <p>1 time. I found out that they were all white.<br/>2 Then she told me about Eunice Knight and<br/>3 Lavera McClain. She said that Eunice was very<br/>4 quiet, basically stayed in her office and did<br/>5 her work and didn't cause any problems.</p> <p>6 And then Lavera McClain, she said that she<br/>7 trusted Lavera, that -- to never -- that she<br/>8 would never sabotage her as the others did.<br/>9 She said Lavera worked very hard handling all<br/>10 of her duties, and that Eunice and Lavera<br/>11 would be very helpful to me and I should ask<br/>12 for their help.</p> <p>13 She told me about -- of course, in the<br/>14 interview, she'd already gone over that they<br/>15 were in the process of a move. I believe on<br/>16 either this date or the date I came in for my<br/>17 drug test, TB test, et cetera, either one of<br/>18 those, that she took me over to the old office<br/>19 that they were moving from and showed me. And<br/>20 there was only a couple of magistrates over<br/>21 there at the time. She told me that they were<br/>22 -- would be -- they had -- were in the process<br/>23 of moving, would be in the new office -- were</p> | <p>1 <b>Do you remember anything else that</b><br/>2 <b>occurred in that interview before you were</b><br/>3 <b>hired?</b><br/>4 A. Only thing I remember is, it really bothered<br/>5 me that she just kept on warning me about the<br/>6 damage that could be done to me. And I've<br/>7 just never been afraid of anybody, and I just<br/>8 wasn't afraid -- you know, I just didn't know<br/>9 why that just kept being stressed. I couldn't<br/>10 believe that -- that two, three ladies could<br/>11 do me physical harm. But, in fact, that is --<br/>12 the talk of all of that, when I weighed it<br/>13 against the money that was being offered, that<br/>14 is, in fact, why I turned the position down<br/>15 the first time it was offered.</p> <p>16 <b>Q. When were you -- when did you first turn it</b><br/>17 <b>down?</b><br/>18 A. Sometime after the second interview, sometime<br/>19 in December.<br/>20 <b>Q. And who actually offered you the job?</b><br/>21 A. I believe -- I'm pretty sure it was Michelle<br/>22 Sellers that made the phone call to me.<br/>23 <b>Q. And do you remember what was said?</b></p>                              |

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|---|--|
| <p style="text-align: right;">Page 101</p> <p>1 A. She said that they'd like to offer me the<br/>2 position for municipal court administrator.<br/>3 She told me the salary.<br/>4 <b>Q. What was the salary?</b><br/>5 A. Seems like maybe 29,000 or something like<br/>6 that.<br/>7 <b>Q. And this was after the second interview; is<br/>8 that correct?</b><br/>9 A. I believe so, yes.<br/>10 <b>Q. And what did you tell her?</b><br/>11 A. I told her that I had thought about it. I had<br/>12 also -- I just told her I'd thought about it<br/>13 and I wanted a certain amount of money. I<br/>14 believe I told her an amount, 32, 33,000, that<br/>15 I would take it for, that that just wasn't<br/>16 enough money at 29 or whatever the figure was<br/>17 considering all the problems that there seemed<br/>18 to be.<br/>19 <b>Q. Okay. And do you remember what Michelle<br/>20 Sellers said to you?</b><br/>21 A. Yeah. She said that she would check with the<br/>22 judge, but the only time they went above that<br/>23 salary, it had to be approved by the</p> | <p style="text-align: right;">Page 103</p> <p>1 job if they could get the salary approved.<br/>2 And I told her I would.<br/>3 <b>Q. You told them you would if they could get it<br/>4 approved?</b><br/>5 A. Right.<br/>6 <b>Q. Were you still working for Legal Services?</b><br/>7 A. Yes, I was.<br/>8 <b>Q. And do you know if they got that salary<br/>9 approved?</b><br/>10 A. Yes.<br/>11 <b>Q. Now, did you know Michelle Sellers?</b><br/>12 A. No.<br/>13 <b>Q. Did you ever meet her during this interview<br/>14 process?</b><br/>15 A. I know I met her in subsequent meetings<br/>16 after -- after these conversations. I don't<br/>17 recall meeting her before in the interviews.<br/>18 <b>Q. And so your initial contact with her was by<br/>19 telephone?</b><br/>20 A. Right.<br/>21 <b>Q. Do you know what her job duties were at that<br/>22 time?</b><br/>23 A. At that time, I believe she was an</p>  |
| <p style="text-align: right;">Page 102</p> <p>1 commission in special circumstances.<br/>2 <b>Q. Okay. So was there a time they came back to<br/>3 you or did you come back to them?</b><br/>4 A. No. I had actually forgotten about it. And I<br/>5 got a call, I believe, first of January from<br/>6 Michelle Sellers. And she said -- told me who<br/>7 she was, and she said that -- that I had given<br/>8 them a figure before of what I would come to<br/>9 work at the City for but they couldn't<br/>10 remember that figure, and was I still<br/>11 interested, and if so, would I give her that<br/>12 figure again for the salary.<br/>13 <b>Q. Did you?</b><br/>14 A. Yes, I did.<br/>15 <b>Q. And was that 32,000?</b><br/>16 A. I think it was 33.<br/>17 <b>Q. 32 or 33?</b><br/>18 A. 32 or 33. Yes.<br/>19 <b>Q. And then what happened?</b><br/>20 A. She said, I'll get back with you.<br/>21 And I did get a call back from her saying<br/>22 that they were going to put it before the<br/>23 commission, and they would like me to take the</p>                 | <p style="text-align: right;">Page 104</p> <p>1 administrative assistant to the judge.<br/>2 <b>Q. So after you told them that you would take the<br/>3 job if the commission would approve that<br/>4 salary increase, what happened then?</b><br/>5 A. I was told to come take a drug test, fill out<br/>6 paperwork, do a TB test. Did all that. I<br/>7 gave -- told them I'd have to give Legal<br/>8 Services a month's notice because I had been<br/>9 there a length of time. And we agreed on a<br/>10 start date.<br/>11 However, the judge wanted me to take part<br/>12 in a weekend training that she said HTE was<br/>13 coming here to do some training. And she<br/>14 wanted to put me on payroll as of January the<br/>15 16th, I believe, so I could be paid for coming<br/>16 to that training. But then my actual start<br/>17 date wouldn't be till February the 16th.<br/>18 <b>Q. Did you go to that HTE training?</b><br/>19 A. I did.<br/>20 <b>Q. Did you get paid for that?</b><br/>21 A. Yes.<br/>22 <b>Q. So it was like in January that to get you on<br/>23 the payroll, you had to come in and fill out</b></p> |

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## FREEDOM COURT REPORTING

|   |   |
|---|---|
| <p style="text-align: right;">Page 105</p> <p>1 some more paperwork and get your drug test --</p> <p>2 A. Right.</p> <p>3 Q. -- and stuff like that?</p> <p>4 A. Right.</p> <p>5 Q. And you think that was like January 16th?</p> <p>6 A. It was before -- I mean, when I was put on</p> <p>7 payroll I believe was January 16th.</p> <p>8 Q. Okay.</p> <p>9 (Defendants' Exhibit 9 was marked</p> <p>10 for identification.)</p> <p>11 Q. I'm going to show you what I've marked as</p> <p>12 Defendants' Exhibit 9. Is that your</p> <p>13 signature, Ms. Martin?</p> <p>14 A. Yes, it is.</p> <p>15 Q. And is that just a -- did you receive an</p> <p>16 employee handbook?</p> <p>17 A. Yes, I did.</p> <p>18 Q. And you signed that, indeed, on January the</p> <p>19 16th of 2004; is that correct?</p> <p>20 A. Yes.</p> <p>21 (Defendants' Exhibit 10 was marked</p> <p>22 for identification.)</p> <p>23 Q. And I'm just showing you another document,</p>  | <p style="text-align: right;">Page 107</p> <p>1 19th maybe. I'm not positive.</p> <p>2 Q. And then it was actually the -- around</p> <p>3 February the 16th that you started?</p> <p>4 A. Right.</p> <p>5 Q. Is that correct?</p> <p>6 A. Physically started, yes.</p> <p>7 Q. Now, I'm a little confused about what you were</p> <p>8 telling me earlier. When you started on</p> <p>9 February the 16th, had the magistrates'</p> <p>10 office -- was in the process of moving or had</p> <p>11 moved?</p> <p>12 A. It had moved.</p> <p>13 Q. So you did not get involved in the moving</p> <p>14 process?</p> <p>15 A. No.</p> <p>16 Q. At all?</p> <p>17 A. No.</p> <p>18 Q. And do you have any personal knowledge of or</p> <p>19 about the move, or did you witness the move in</p> <p>20 any shape, form, or fashion?</p> <p>21 A. The only thing I saw was when the judge took</p> <p>22 me to the old office, there was a couple --</p> <p>23 well, there was a clerk typist there packing</p>   |
| <p style="text-align: right;">Page 106</p> <p>1 looks like, signed on that same date,</p> <p>2 Defendants' 10. Is that your signature?</p> <p>3 A. Yes, it is.</p> <p>4 Q. And that's just an acknowledgment of receiving</p> <p>5 some computer policies and procedures; is that</p> <p>6 correct?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Okay. And was it on this -- about the same</p> <p>9 date that you got your drug test -- did your</p> <p>10 drug test?</p> <p>11 A. I'm not sure. I think that was -- I'm not</p> <p>12 sure if it was that day or before.</p> <p>13 Q. That day or around that time?</p> <p>14 A. Could have been before.</p> <p>15 Q. Okay.</p> <p>16 A. Somewhere in there.</p> <p>17 Q. And I'm sorry. Just to clarify, the</p> <p>18 HTE -- the computer training was like on a</p> <p>19 weekend following January 16th, 2004; is that</p> <p>20 what you testified?</p> <p>21 A. It was on a Saturday, Sunday, and a Monday.</p> <p>22 Q. Do you remember the dates?</p> <p>23 A. It had -- I assume it was the 17th, 18th, and</p> | <p style="text-align: right;">Page 108</p> <p>1 up boxes. It was like they were in the</p> <p>2 process of packing to move and all.</p> <p>3 Q. Was this before the 16th or on the 16th.</p> <p>4 A. Of February?</p> <p>5 Q. Of February, yes.</p> <p>6 A. It was before. It was before I started.</p> <p>7 Q. That's where I got a little confused. You</p> <p>8 stopped by before you started or --</p> <p>9 A. The judge -- the judge and I met a couple of</p> <p>10 times before I started work. I came to do --</p> <p>11 some reason February the 10th sticks in my</p> <p>12 mind that maybe that's when I came and had the</p> <p>13 drug test or the TB test. And then I had to</p> <p>14 come back and have the TB test read, and the</p> <p>15 judge had asked me to stop by her office when</p> <p>16 I did this and we talked.</p> <p>17 Q. And you're saying at one of those times you</p> <p>18 saw -- this was at the old --</p> <p>19 A. Right. Right.</p> <p>20 Q. -- office and some people were still packing</p> <p>21 up some boxes?</p> <p>22 A. Yeah.</p> <p>23 Q. Did you ever see the new office before you</p> |

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## FREEDOM COURT REPORTING

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|--|---|
| <p>1 actually started?</p> <p>2 A. From the outside.</p> <p>3 <b>Q. And as I understand it, they moved literally</b></p> <p>4 <b>from the -- the magistrates' office was in the</b></p> <p>5 <b>police department where the courthouse is; is</b></p> <p>6 <b>that the municipal court?</b></p> <p>7 A. It was in a building beside the municipal</p> <p>8 building. It was in a, like, a white</p> <p>9 office -- white building beside it. It wasn't</p> <p>10 in the police department.</p> <p>11 <b>Q. Was it part of the courtroom?</b></p> <p>12 A. No.</p> <p>13 <b>Q. But right -- but near there?</b></p> <p>14 A. Yeah. But it wasn't attached to the courtroom</p> <p>15 in any way.</p> <p>16 <b>Q. Gotcha. Okay. And your statement earlier</b></p> <p>17 <b>that you said Lavera was -- I assume you're</b></p> <p>18 <b>talking about Lavera McClain?</b></p> <p>19 A. McClain.</p> <p>20 <b>Q. I think you testified was over the move?</b></p> <p>21 A. That's what the judge said. She had put her</p> <p>22 in charge of the move.</p> <p>23 <b>Q. And you made some statement about Lavera</b></p>             | <p>1 document --</p> <p>2 A. That's the one she brought to me. No --</p> <p>3 <b>Q. Defendants' Exhibit 3, which is sort of a time</b></p> <p>4 <b>line that --</b></p> <p>5 A. No, not that. I'm sorry. She did bring</p> <p>6 me -- and I didn't bring it with me, but she</p> <p>7 did bring me a diagram of the offices along</p> <p>8 with this.</p> <p>9 <b>Q. With Defendants' Exhibit 3?</b></p> <p>10 A. Right. She brought me that document and the</p> <p>11 diagram of the offices that she had shown me</p> <p>12 while I was employed. It was, according to</p> <p>13 her, a diagram that Lavera McClain had drawn</p> <p>14 out assigning offices.</p> <p>15 <b>Q. I mean, all you know was what Fran told you</b></p> <p>16 <b>that that diagram represented?</b></p> <p>17 A. All I know -- no.</p> <p>18 <b>Q. All you know is what Fran told you. I mean,</b></p> <p>19 <b>do you know who prepared that diagram?</b></p> <p>20 A. I -- Fran told me that Lavera did. Mary Beth</p> <p>21 Brackin told me that each -- that she had</p> <p>22 received one also, that each of the -- each of</p> <p>23 the personnel had received a copy of it</p> |
| Page 110   | Page 112  |
| <p>1 assigning offices?</p> <p>2 A. That's what Fran Bailey told me, that she</p> <p>3 assigned offices. I believe the judge also</p> <p>4 told me that.</p> <p>5 <b>Q. And now, Fran Bailey is?</b></p> <p>6 A. She was a clerk typist. She resigned in July</p> <p>7 of '04.</p> <p>8 <b>Q. Okay. So you're saying Fran Bailey told you</b></p> <p>9 <b>that, that Lavera was assigning offices?</b></p> <p>10 A. Right. She's also the one that later brought</p> <p>11 me the diagram of the offices that Lavera had</p> <p>12 given each of them a copy -- each of the --</p> <p>13 the personnel a copy.</p> <p>14 <b>Q. And when did she bring you this diagram?</b></p> <p>15 A. I've already answered that.</p> <p>16 <b>Q. I don't remember.</b></p> <p>17 MR. JAFFREE: Answer it again.</p> <p>18 A. After I was terminated, we had lunch about a</p> <p>19 couple of months afterwards, and she brought</p> <p>20 me the diagram. She had shown it to me while</p> <p>21 I was employed.</p> <p>22 <b>Q. Well, I'm sorry. Either I didn't understand</b></p> <p>23 <b>that part of it -- I mean, you gave me a</b></p> | <p>1 because the offices were numbered and labeled</p> <p>2 where they would be.</p> <p>3 <b>Q. Okay. Other than what you've heard through</b></p> <p>4 <b>Fran or the other magistrates, do you have</b></p> <p>5 <b>personal knowledge as to who assigned the</b></p> <p>6 <b>offices?</b></p> <p>7 A. Other than the judge telling me that Lavera</p> <p>8 assigned the offices.</p> <p>9 <b>Q. And the judge told you this when?</b></p> <p>10 A. During one of our conversations before I</p> <p>11 started.</p> <p>12 <b>Q. Now, did you have an office?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. And where was your office?</b></p> <p>15 A. Kind of -- kind of in the middle. The office</p> <p>16 was kind of -- had a hallway going -- like a</p> <p>17 square with my office was kind of in the</p> <p>18 middle. The clerk typist area was in the</p> <p>19 middle.</p> <p>20 <b>Q. Did you have any complaints about your office?</b></p> <p>21 A. No. Except for wanting a window, and it</p> <p>22 didn't have a window.</p> <p>23 <b>Q. Did you also have the opportunity to obtain</b></p>  |

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| Page 113   | Page 115  |
|--|---|
| <p>1 some new furniture?</p> <p>2 A. Yes, I did, at the insistence of the judge.</p> <p>3 <b>Q. Did you not want new furniture?</b></p> <p>4 A. It wasn't necessary, and I continued to tell</p> <p>5 her it wasn't necessary. There was almost new</p> <p>6 furniture in there.</p> <p>7 <b>Q. Did you feel like she was going out of her way</b></p> <p>8 <b>to get you some new furniture?</b></p> <p>9 A. I felt like I was being bought.</p> <p>10 <b>Q. That you were being bought?</b></p> <p>11 A. Uh-huh (positive response), basically.</p> <p>12 <b>Q. Because you got new furniture?</b></p> <p>13 A. Uh-huh (positive response).</p> <p>14 <b>Q. You have to say yes or no.</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. Did you ever -- did you get any type of</b></p> <p>17 <b>computer or laptop?</b></p> <p>18 A. I got a computer like everyone else did. I</p> <p>19 requested a laptop but was denied one.</p> <p>20 <b>Q. And why did you want a laptop?</b></p> <p>21 A. Because I was working a lot of overtime hours</p> <p>22 and wanted to be able to spend some time at --</p> <p>23 more time at home. And I could do some work</p>  | <p>1 <b>Q. Do you know what this computer you requested</b></p> <p>2 <b>cost?</b></p> <p>3 A. No, I didn't.</p> <p>4 <b>Q. Do you know why you were denied this computer?</b></p> <p>5 A. No, I don't.</p> <p>6 <b>Q. Well -- and who did you make the request of?</b></p> <p>7 A. To Judge Gordon.</p> <p>8 <b>Q. Well, if she was trying to buy you, why didn't</b></p> <p>9 <b>she buy you this computer that you wanted so</b></p> <p>10 <b>badly?</b></p> <p>11 A. I didn't request a computer right away.</p> <p>12 <b>Q. Do you know when you requested it?</b></p> <p>13 A. I don't remember.</p> <p>14 <b>Q. How many magistrates -- when you started on</b></p> <p>15 <b>February 16, how many magistrates did you</b></p> <p>16 <b>supervise?</b></p> <p>17 A. There was eight magistrates, two clerk</p> <p>18 typists, and two temporaries at the time.</p> <p>19 There was a vacancy for another magistrate</p> <p>20 that the judge told me about during either one</p> <p>21 of my interviews or a subsequent meeting. I</p> <p>22 asked to be allowed to participate in the</p> <p>23 interviews. And she said, no, that since I</p> |
| Page 114   | Page 116  |
| <p>1 at home and at least be there with my husband.</p> <p>2 <b>Q. Do you know of anybody else that had a laptop</b></p> <p>3 <b>issued by the City in that office?</b></p> <p>4 A. In the -- in that office -- in my office? No.</p> <p>5 <b>Q. What would you have been allowed -- I'm not</b></p> <p>6 <b>sure I understand. If you had a laptop, what</b></p> <p>7 <b>would you be able to do at home that you</b></p> <p>8 <b>couldn't do at work?</b></p> <p>9 A. Well, I would be connected -- networked to the</p> <p>10 City main frame and all. I could look at</p> <p>11 dockets to see that they were all together. I</p> <p>12 could do reports. I could do correspondence.</p> <p>13 <b>Q. Did you do dockets? I mean, that was part of</b></p> <p>14 <b>your job, was doing dockets?</b></p> <p>15 A. No, I didn't do them. I did print them</p> <p>16 sometimes, though. And I did check to see</p> <p>17 that the cases were on the correct docket,</p> <p>18 were set for the right day.</p> <p>19 <b>Q. Were you given -- were there any security</b></p> <p>20 <b>issues involved in allowing you to have access</b></p> <p>21 <b>to the City's main frame on a laptop at your</b></p> <p>22 <b>house?</b></p> <p>23 A. Not that I was aware of.</p> | <p>1 hadn't started yet, that she would handle</p> <p>2 that.</p> <p>3 <b>Q. Okay.</b></p> <p>4 A. I do believe that she already had someone</p> <p>5 picked out for that position.</p> <p>6 <b>Q. Okay. Do you know when the interviews were</b></p> <p>7 <b>conducted?</b></p> <p>8 A. In -- end of January, first of February I</p> <p>9 believe.</p> <p>10 <b>Q. Do you know who all was considered for that</b></p> <p>11 <b>position?</b></p> <p>12 A. No, I don't.</p> <p>13 <b>Q. Do you know who all were interviewed?</b></p> <p>14 A. No, I don't.</p> <p>15 <b>Q. And do you know who was hired?</b></p> <p>16 A. Yes, I do.</p> <p>17 <b>Q. Who was hired?</b></p> <p>18 A. Tonya Minifield who was black.</p> <p>19 <b>Q. Do you have a problem with black employees</b></p> <p>20 <b>being hired?</b></p> <p>21 A. I sure don't. I have supervised black</p> <p>22 employees before then, and I'm still</p> <p>23 supervising them right now.</p>  |

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|   |   |
|---|---|
| <p style="text-align: right;">Page 117</p> <p>1 <b>Q. Do you know how Tonya Minifield did in her</b><br/> 2 <b>interview?</b><br/> 3 A. No, I don't. I know she was a friend of<br/> 4 Eunice and Lavera.<br/> 5 <b>Q. And how do you know that?</b><br/> 6 A. Because I was told that by her, that she knew<br/> 7 them.<br/> 8 <b>Q. She knew them?</b><br/> 9 A. She was acquaintances with them.<br/> 10 <b>Q. And, again, you don't know who else was</b><br/> 11 <b>interviewed, who else was considered, how</b><br/> 12 <b>Tonya did on the interview, how anybody else</b><br/> 13 <b>did on the interview, do you?</b><br/> 14 A. No.<br/> 15 <b>Q. So it's your -- did you -- and this all</b><br/> 16 <b>occurred before you actually started, that she</b><br/> 17 <b>was hired?</b><br/> 18 A. I was already an employee.<br/> 19 <b>Q. Were you receiving a paycheck?</b><br/> 20 A. I believe I was an employee. I believe I had<br/> 21 already -- I believe these -- these people<br/> 22 were interviewed after I had become a City<br/> 23 employee, not started the job.</p>                             | <p style="text-align: right;">Page 119</p> <p>1 <b>Q. Other than attending the HTE training, were</b><br/> 2 <b>you expected to do anything for the City until</b><br/> 3 <b>you started on February the 16th of 2004?</b><br/> 4 A. No.<br/> 5 <b>Q. Once you started working, where was -- excuse</b><br/> 6 <b>me. Strike that.</b><br/> 7 <b>What were your initial duties when you</b><br/> 8 <b>started working as court administrator?</b><br/> 9 A. Supervising.<br/> 10 <b>Q. And what does that mean?</b><br/> 11 A. It means assessing, by my own observation, the<br/> 12 employees; learning their strengths and their<br/> 13 weaknesses; providing constructive criticism;<br/> 14 meeting with them about what they need to<br/> 15 improve on. It means --<br/> 16 <b>Q. Well, let me stop and ask you, what were you</b><br/> 17 <b>observing?</b><br/> 18 A. Their work.<br/> 19 <b>Q. And tell me what their work consisted of.</b><br/> 20 A. Each magistrate supposedly had assigned<br/> 21 duties. The judge had given me a list of the<br/> 22 assigned duties. And I say "supposedly"<br/> 23 because when I first began, I met with all of</p>   |
| <p style="text-align: right;">Page 118</p> <p>1 <b>Q. Okay.</b><br/> 2 A. And I did request -- since I would be<br/> 3 supervising this position also, I did request<br/> 4 to be in on the interviews and have some input<br/> 5 into that.<br/> 6 <b>Q. Okay. Do you know where Tonya -- are you</b><br/> 7 <b>familiar with a register?</b><br/> 8 A. Yes, I am.<br/> 9 <b>Q. Do you know where Tonya was on the register?</b><br/> 10 A. No, I don't. All I know is what the judge<br/> 11 told me, that Tonya was hired because she was<br/> 12 already a magistrate working for Midland<br/> 13 City. However, Tonya had very little<br/> 14 experience, except for entering tickets. And<br/> 15 that was it.<br/> 16 <b>Q. Do you feel like Tonya should not have been</b><br/> 17 <b>hired?</b><br/> 18 A. I -- there -- I don't know. I don't know<br/> 19 if -- there -- if there were more qualified<br/> 20 applicants, she shouldn't have been hired.<br/> 21 <b>Q. But you don't know, do you?</b><br/> 22 A. No. I wasn't provided the list or had -- I<br/> 23 wasn't allowed to take part in any of it.</p> | <p style="text-align: right;">Page 120</p> <p>1 the employees as a group and then asked them<br/> 2 to make an appointment with me to meet<br/> 3 individually. I gave them a list -- a copy of<br/> 4 the list judge had provided me of the duties,<br/> 5 and most of them told me they were shocked<br/> 6 because they didn't know that that -- some of<br/> 7 the duties were their assigned duties. They<br/> 8 had never seen that list before.<br/> 9 <b>Q. What duties had they never seen before?</b><br/> 10 A. I don't recall. Each magistrate had a list of<br/> 11 duties.<br/> 12 <b>Q. Well, that's what I'm trying to get an idea.</b><br/> 13 <b>What type of duties?</b><br/> 14 A. Well, I can't state specifically each one. I<br/> 15 can remember some of what some of them did. I<br/> 16 know that Mary Turner worked the front window<br/> 17 and had a little desk around the corner from<br/> 18 there with no office.<br/> 19 <b>Q. What does that mean, working the front window?</b><br/> 20 A. It means that she took -- we had a front<br/> 21 window that two magistrates worked taking<br/> 22 payments for tickets.<br/> 23 <b>Q. Who was the other person that worked --</b></p> |

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| <p style="text-align: right;">Page 121</p> <p>1 A. Ann Baxter.</p> <p>2 <b>Q. Is that pretty much what they did?</b></p> <p>3 A. Pretty much. Well, they did some other minor</p> <p>4 duties, but pretty much their main</p> <p>5 responsibility was manning the front window.</p> <p>6 <b>Q. And that meant, like for example, if I had a</b></p> <p>7 <b>speeding ticket and I was going to pay my</b></p> <p>8 <b>fine?</b></p> <p>9 A. Well, if it was a fine that you could pay</p> <p>10 without going to court, they took it.</p> <p>11 <b>Q. So literally, I mean, like -- it was like a</b></p> <p>12 <b>payment window and I give them either a check</b></p> <p>13 <b>or money?</b></p> <p>14 A. Right.</p> <p>15 <b>Q. And they would give me a receipt?</b></p> <p>16 A. Right.</p> <p>17 <b>Q. They'd have to account for the money?</b></p> <p>18 A. Right.</p> <p>19 <b>Q. It was like a cashier --</b></p> <p>20 A. Right.</p> <p>21 <b>Q. -- type position?</b></p> <p>22 A. Right. They also did warrants.</p> <p>23 <b>Q. And what does that mean?</b></p>  | <p style="text-align: right;">Page 123</p> <p>1 <b>magistrates do?</b></p> <p>2 A. Michelle Bryan worked court.</p> <p>3 <b>Q. What does that mean?</b></p> <p>4 A. She entered -- as the judge heard cases, she</p> <p>5 entered the orders that the judge issued into</p> <p>6 the computer system. She looked up cases that</p> <p>7 a defendant may had -- have had previously</p> <p>8 when the judge was hearing their plea. They</p> <p>9 set hearings -- she set hearings in court for</p> <p>10 later dates. She did the 6A and 6B notices</p> <p>11 which is when someone doesn't show up for</p> <p>12 court, they send a 6A notice resetting it</p> <p>13 again. And a 6B is a warrant.</p> <p>14 <b>Q. Did anybody besides Michelle do this?</b></p> <p>15 A. Yes. Valarie Savage worked court.</p> <p>16 <b>Q. Anybody else?</b></p> <p>17 A. Well, at some time, Mary Beth and Mary Turner</p> <p>18 weren't working court when I started. I think</p> <p>19 they had been banished by the judge from the</p> <p>20 courtroom, so Michelle and Valarie were</p> <p>21 watching -- were working court. Eunice worked</p> <p>22 court.</p> <p>23 <b>Q. What's Michelle's race?</b></p> |
| <p style="text-align: right;">Page 122</p> <p>1 A. They worked the warrant window when people</p> <p>2 came in and had a complaint for harassment,</p> <p>3 harassing communication, domestic violence,</p> <p>4 they had -- they had to sit down with this</p> <p>5 person and take their statement under oath and</p> <p>6 get all the details about the occurrence and</p> <p>7 determine probable cause; and if there was</p> <p>8 probable cause, issue a warrant for an arrest</p> <p>9 of the person that committed the incident.</p> <p>10 <b>Q. So Mary Turner and Ann Baxter did a lot of</b></p> <p>11 <b>this?</b></p> <p>12 A. A lot of it. Actually, all the magistrates --</p> <p>13 magistrates could do the warrant window.</p> <p>14 <b>Q. Is the warrant window the same as the front</b></p> <p>15 <b>window?</b></p> <p>16 A. It was a side window. There was a hallway</p> <p>17 beside the front window that they could go in,</p> <p>18 and there was two little windows there that</p> <p>19 the person could actually sit down in the</p> <p>20 hallway. There was a window there that the</p> <p>21 magistrate could talk to them from the other</p> <p>22 side.</p> <p>23 <b>Q. Now, what are some other duties that</b></p> | <p style="text-align: right;">Page 124</p> <p>1 A. I'm sorry?</p> <p>2 <b>Q. What's Michelle's race?</b></p> <p>3 A. White.</p> <p>4 <b>Q. What's Valarie Savage's race?</b></p> <p>5 A. White.</p> <p>6 <b>Q. Why do you -- you said you think they had been</b></p> <p>7 <b>banned from court?</b></p> <p>8 A. Mary Beth and Mary Turner because --</p> <p>9 <b>Q. You said you think they had been banned from</b></p> <p>10 <b>court. You gave some testimony a minute ago</b></p> <p>11 <b>that they had been banned from court.</b></p> <p>12 A. Mary Turner and Mary Beth. That's why -- they</p> <p>13 had worked court, but they had been -- the</p> <p>14 judge didn't like them working court I believe</p> <p>15 because they questioned things about</p> <p>16 defendants or there was some -- they didn't</p> <p>17 get along with the judge, something. The</p> <p>18 judge was always writing them up for stuff.</p> <p>19 This is what Mary Beth and Mary Turner told</p> <p>20 me. So --</p> <p>21 <b>Q. But you don't know that, do you; you just know</b></p> <p>22 <b>what they told you?</b></p> <p>23 A. No. I do know that the judge told me that she</p>                   |

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|--|--|
| <p>1 had put them out of working court. She didn't</p> <p>2 want them in the courtroom working. However,</p> <p>3 they did work it later.</p> <p>4 <b>Q. And when did the judge tell you that she</b></p> <p>5 <b>didn't want them working court?</b></p> <p>6 A. I believe the first interview or a subsequent</p> <p>7 meeting. I can't remember.</p> <p>8 <b>Q. But you're saying they went back in the</b></p> <p>9 <b>courtroom?</b></p> <p>10 A. Mary Beth and -- did assist Sarah with</p> <p>11 prisoners because we -- I was trying to do</p> <p>12 cross-training, and people's job duties</p> <p>13 changed during my tenure there to cross-train.</p> <p>14 <b>Q. There was cross-training going on?</b></p> <p>15 A. Not at the time I got there. When I got</p> <p>16 there, each magistrate only knew their</p> <p>17 particular job duty. If somebody was out,</p> <p>18 nobody knew what to do.</p> <p>19 <b>Q. And you're saying -- so when had this</b></p> <p>20 <b>cross-training idea come up?</b></p> <p>21 A. When I got there.</p> <p>22 <b>Q. And what was the plan for cross-training?</b></p> <p>23 A. I asked the judge if we could -- if I could</p> | <p>1 <b>Q. Did other people do those things?</b></p> <p>2 A. Those job duties?</p> <p>3 <b>Q. Yes.</b></p> <p>4 A. No, not at that time.</p> <p>5 <b>Q. Nobody else did alias warrants?</b></p> <p>6 A. Not the kind she did, not for the particular</p> <p>7 situations that she did.</p> <p>8 <b>Q. And what situation was that?</b></p> <p>9 A. That she had particular types of cases that</p> <p>10 she did. Like when the judge ordered a alias</p> <p>11 warrant in court, she would stamp it with that</p> <p>12 and sign it, and those would go, I believe, to</p> <p>13 Lavera, and she would enter the alias warrant</p> <p>14 in the system to be printed out to take.</p> <p>15 <b>Q. And you're saying no one else did that?</b></p> <p>16 A. They did it on other cases.</p> <p>17 <b>Q. I'm not following you, though. What kind of</b></p> <p>18 <b>other cases?</b></p> <p>19 A. Well, Michelle -- Valarie did -- some of</p> <p>20 them -- Michelle, Valarie, Eunice did some,</p> <p>21 but it was pertaining to the cases of the</p> <p>22 court that they worked.</p> <p>23 <b>Q. And you said Lavera did dockets and nobody</b></p> |
| Page 126   | Page 128   |
| <p>1 change the duties and let them be trained in</p> <p>2 other duties so if someone was out that</p> <p>3 another person would know how to do their</p> <p>4 job. And the judge agreed that that would be</p> <p>5 a good idea. But she asked me not to change</p> <p>6 them right to begin with, for me to get in</p> <p>7 there and kind of get used to the procedures</p> <p>8 and the people and observe. And then in</p> <p>9 April, I was allowed to change the job</p> <p>10 duties. Well, actually, I changed them a</p> <p>11 little bit because Lavera McClain had to be</p> <p>12 out for surgery. And I temporarily shifted</p> <p>13 her duties to Mary Turner.</p> <p>14 <b>Q. Let me back up. When was Lavera out for</b></p> <p>15 <b>surgery?</b></p> <p>16 A. Sometime during April.</p> <p>17 <b>Q. Do you know how long she was out?</b></p> <p>18 A. About six weeks.</p> <p>19 <b>Q. What were her duties at that time, Lavera?</b></p> <p>20 A. I believe she was doing the bondsman</p> <p>21 processes, forfeitures. She did a -- put</p> <p>22 together a docket for one of the court -- one</p> <p>23 week of court. She did alias warrants.</p>      | <p>1 <b>else did that?</b></p> <p>2 A. Yeah. They had their own dockets to do, yes.</p> <p>3 <b>Q. So other people did dockets?</b></p> <p>4 A. Right.</p> <p>5 <b>Q. And if somebody was going to be out, was it</b></p> <p>6 <b>your responsibility to get those duties</b></p> <p>7 <b>covered?</b></p> <p>8 A. It was their responsibility to get those</p> <p>9 duties covered. I issued a memo to that</p> <p>10 effect.</p> <p>11 <b>Q. Is that not something a manager should do, is</b></p> <p>12 <b>to make sure work tasks are covered or</b></p> <p>13 <b>reassigned?</b></p> <p>14 A. If I've issued a directive that, if you're</p> <p>15 going be out, to have your duties covered,</p> <p>16 then they are directed to have their duties</p> <p>17 covered. And I -- when I did a memo, I said,</p> <p>18 if you have a problem with getting someone to</p> <p>19 cover your duties, please let me know.</p> <p>20 <b>Q. And what if somebody was unexpectedly ill;</b></p> <p>21 <b>would you cover their duties?</b></p> <p>22 A. I would have someone cover it. I did have to</p> <p>23 find someone, a volunteer to work court one</p> |

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|  |   |
|--|---|
| <p style="text-align: right;">Page 129</p> <p>1 day because someone called in sick at the last</p> <p>2 minute.</p> <p>3 <b>Q. As a supervisor, it was your philosophy to</b></p> <p>4 <b>say, if somebody is going to be out, they got</b></p> <p>5 <b>to find somebody else to do their job?</b></p> <p>6 A. They were -- they were grown people. Yes. I</p> <p>7 oversaw them, but they had a directive to do</p> <p>8 it.</p> <p>9 <b>Q. Who was going to -- if they asked Jane Doe to</b></p> <p>10 <b>do their job, who was going to do Jane Doe's</b></p> <p>11 <b>job?</b></p> <p>12 A. She did both, or they asked somebody, usually,</p> <p>13 that -- if it was working court that day and</p> <p>14 they were supposed to be in court, they would</p> <p>15 ask somebody that wasn't working court that</p> <p>16 day. And if there was a problem with getting</p> <p>17 somebody, then I would have to assign someone.</p> <p>18 <b>Q. Did anybody have a problem in getting somebody</b></p> <p>19 <b>to cover their assignments?</b></p> <p>20 A. I don't recall there being a problem. I take</p> <p>21 that back. There was one situation. Michelle</p> <p>22 Bryan either called in sick or was going to a</p> <p>23 training, and she did not get somebody to</p> | <p style="text-align: right;">Page 131</p> <p>1 A. Uh-huh (positive response).</p> <p>2 <b>Q. When you said you had talked to her and</b></p> <p>3 <b>e-mailed her, do you remember what you</b></p> <p>4 <b>e-mailed her?</b></p> <p>5 A. Yes. She had -- I e-mailed her</p> <p>6 that -- because she had said something in her</p> <p>7 e-mail about she thought we were friends. And</p> <p>8 I explained to her the difference in my</p> <p>9 position, that I could be friends but it</p> <p>10 couldn't go to the point that I couldn't</p> <p>11 supervise people. And I tried to explain that</p> <p>12 to her, that that was totally separate from</p> <p>13 being friends. And I told her that she had --</p> <p>14 as I had instructed, she had to cover her</p> <p>15 duties.</p> <p>16 <b>Q. And her primary duties at that time were what?</b></p> <p>17 A. I believe, at that time, it was mostly working</p> <p>18 court all day on Tuesday, half a day on</p> <p>19 Wednesday maybe, and a half a day on Thursday.</p> <p>20 <b>Q. And was this before you went to the</b></p> <p>21 <b>cross-training process that we talked about</b></p> <p>22 <b>earlier?</b></p> <p>23 A. I don't recall the date.</p>  |
| <p style="text-align: right;">Page 130</p> <p>1 cover court. So that morning, I asked for</p> <p>2 volunteers. And no one seemed to want to work</p> <p>3 court. Michelle had not gotten someone to</p> <p>4 cover. And so I just told them that if</p> <p>5 somebody didn't volunteer, I would appoint</p> <p>6 someone. And then someone did volunteer.</p> <p>7 Michelle wrote me an e-mail saying she</p> <p>8 didn't know she had to cover her -- if she was</p> <p>9 going to a training, she assumed that one of</p> <p>10 the others would just cover it. And I let her</p> <p>11 know that, again, that she is responsible, and</p> <p>12 if she couldn't get anybody, to let me know,</p> <p>13 that I didn't want to be in that situation</p> <p>14 again.</p> <p>15 <b>Q. Did you write her up for this?</b></p> <p>16 A. No. I had a -- I talked to her about it. I</p> <p>17 did an e-mail back to her.</p> <p>18 MS. NELSON: Do y'all want to take a lunch</p> <p>19 break?</p> <p>20 MR. JAFFREE: Yeah, if we could.</p> <p>21 (Lunch recess)</p> <p>22 <b>Q. Ms. Martin, do you remember that line of</b></p> <p>23 <b>questioning about Michelle?</b></p>  | <p style="text-align: right;">Page 132</p> <p>1 <b>Q. Okay. Were you and Michelle Bryan friends?</b></p> <p>2 A. Not great friends. She had a lot of interests</p> <p>3 that I had, as did some of the other ones.</p> <p>4 <b>Q. Those interests being motorcycles?</b></p> <p>5 A. No. We both had children. We talked about</p> <p>6 that. She had -- her mother had some health</p> <p>7 problems that she shared with me. Just --</p> <p>8 <b>Q. Did y'all socialize together?</b></p> <p>9 A. I went to lunch with her and Valarie Savage</p> <p>10 two or three times while I was there.</p> <p>11 <b>Q. Even after work, did you socialize with her?</b></p> <p>12 A. Not that I recall.</p> <p>13 <b>Q. You said she and some others had some similar</b></p> <p>14 <b>interests that you did. What others had</b></p> <p>15 <b>similar interests to you?</b></p> <p>16 A. I had some similar interests with Eunice. We</p> <p>17 both had played softball for years and had</p> <p>18 actually played on opposing teams at times. I</p> <p>19 had similar -- some similar interests with</p> <p>20 Mary Beth Brackin. Her --</p> <p>21 <b>Q. I'm sorry. Go ahead.</b></p> <p>22 A. Because she had children, basically. I had</p> <p>23 some similar interests with Valarie Savage.</p> |

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| <p style="text-align: right;">Page 133</p> <p>1 We had -- one of my best friends is -- was --</p> <p>2 is a cousin of hers. And I knew some of her</p> <p>3 family, like her aunt and my -- well, my</p> <p>4 friend's mother was her aunt. And she had</p> <p>5 children.</p> <p>6 <b>Q. Did you ever socialize with Mary Beth or</b></p> <p>7 <b>Valarie or Eunice outside of the</b></p> <p>8 <b>office -- outside of work -- after work?</b></p> <p>9 A. After work?</p> <p>10 <b>Q. After work.</b></p> <p>11 A. Not that I recall.</p> <p>12 <b>Q. Okay. Did you go to lunch with Mary Beth or</b></p> <p>13 <b>Valarie?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. Back to this idea of cross-training, were you</b></p> <p>16 <b>aware that there had been discussions about</b></p> <p>17 <b>cross-training before you ever started working</b></p> <p>18 <b>for the City of Dothan?</b></p> <p>19 A. No, I wasn't. It was never mentioned to me.</p> <p>20 <b>Q. Okay. Did you ever provide any assistance in</b></p> <p>21 <b>the way of money or clothing to Michelle</b></p> <p>22 <b>Bryan?</b></p> <p>23 A. Money or clothing?</p>           | <p style="text-align: right;">Page 135</p> <p>1 with, but I did -- I had to do the state</p> <p>2 treasurer's report. I --</p> <p>3 <b>Q. And what is that?</b></p> <p>4 A. It's a report that goes once a month to the</p> <p>5 state treasurer for the amount of fines and</p> <p>6 costs collected by the municipal court.</p> <p>7 <b>Q. Okay.</b></p> <p>8 A. I had cases -- we had lost paperwork that I</p> <p>9 stayed to search for sometimes. Others stayed</p> <p>10 also with me to search for it.</p> <p>11 <b>Q. Like?</b></p> <p>12 A. Lost cases that were set for court hearing on</p> <p>13 a docket.</p> <p>14 <b>Q. And how often did you have to stay doing that?</b></p> <p>15 A. Well, we were missing cases about every week.</p> <p>16 <b>Q. When you say, "missing cases," the paperwork</b></p> <p>17 <b>was lost?</b></p> <p>18 A. Paperwork was misplaced. It was either</p> <p>19 misfiled or laying in somebody's office.</p> <p>20 And --</p> <p>21 <b>Q. But you're saying that happened periodically?</b></p> <p>22 A. Well, about once a week when there was court</p> <p>23 being -- the weeks court was held.</p>   |
| <p style="text-align: right;">Page 134</p> <p>1 <b>Q. Yes.</b></p> <p>2 A. It -- I don't really recall. It's possible</p> <p>3 that I did give her some hand-me-downs, some</p> <p>4 clothes that I had that I had outgrown or</p> <p>5 whatever. I don't -- I could have done that.</p> <p>6 I --</p> <p>7 <b>Q. Did you ever loan her money?</b></p> <p>8 A. I never loaned her any money. I might --</p> <p>9 <b>Q. Did you give her money?</b></p> <p>10 A. I might have not -- I might have given her</p> <p>11 some to give to her family or something when</p> <p>12 her niece died. I don't know. I don't really</p> <p>13 recall.</p> <p>14 <b>Q. What were your normal hours of work?</b></p> <p>15 A. They were supposed to be from eight to five I</p> <p>16 believe, but I ended up working late a lot of</p> <p>17 days, came in on the weekend some.</p> <p>18 <b>Q. When you worked late, what were you doing?</b></p> <p>19 A. What was I doing?</p> <p>20 <b>Q. Yes.</b></p> <p>21 A. Some of my duties like some reports or --</p> <p>22 <b>Q. What kind of reports?</b></p> <p>23 A. I had to do the -- I -- I didn't to begin</p> | <p style="text-align: right;">Page 136</p> <p>1 <b>Q. How many cases go through a court a year?</b></p> <p>2 A. I think the previous year there had been</p> <p>3 12,000 tickets maybe and -- I don't know --</p> <p>4 three, four, 5,000 other types.</p> <p>5 <b>Q. What would the other types be; were they</b></p> <p>6 <b>misdemeanor-type, non-traffic?</b></p> <p>7 A. Right, non-traffic.</p> <p>8 <b>Q. How many magistrates were -- strike that.</b></p> <p>9 <b>Was there lost paperwork by a person that</b></p> <p>10 <b>was responsible for it or something just</b></p> <p>11 <b>didn't get in a file or was anybody written up</b></p> <p>12 <b>for this?</b></p> <p>13 A. Are you talking about a specific -- I mean, a</p> <p>14 lot of people had paperwork in their office</p> <p>15 that they might -- might have forgot was</p> <p>16 there, might have got buried. I did do a memo</p> <p>17 to Michelle Bryan when she realized that some</p> <p>18 cases that she had in her possession got</p> <p>19 buried, lost during a move from the original</p> <p>20 office to the new one.</p> <p>21 <b>Q. Did that result in some cases having to be</b></p> <p>22 <b>dismissed?</b></p> <p>23 A. I don't know that for a fact.</p> |

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1 Q. You said you sent her a memo. Did you --  
 2 A. I brought the --  
 3 Q. -- reprimand her, or was it a --  
 4 A. Not -- I --  
 5 Q. -- disciplinary action?  
 6 A. Well, it was a -- I think it was a  
 7 disciplinary action, but it was a memo that  
 8 went in her file to begin with because I  
 9 brought this to the attention of the judge and  
 10 showed her a list of the cases. And to begin  
 11 with, it just -- I guess the judge just  
 12 glanced at it or whatever. It wasn't a real  
 13 big deal. And the judge and I discussed what  
 14 to do, and we agreed that I would do a memo to  
 15 her and let her know, you know, that -- not --  
 16 to know where the files are at all times. So  
 17 I did a memo to her, explaining that I was  
 18 putting it in her file and all and told her  
 19 she had to be a lot more careful with cases.  
 20 And then sometime later, Ashton Ott, the  
 21 city prosecutor found out about these cases  
 22 and said I -- said something about some of  
 23 them would have been companion cases, felonies

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1 that they lost the opportunity to prosecute.  
 2 I never was given any paperwork proving that  
 3 or anything.  
 4 Q. Proving what?  
 5 A. That those cases, in fact, were lost -- I  
 6 mean, they couldn't prosecute them for a  
 7 felony. She didn't identify which ones or  
 8 whatever.  
 9 Q. "She" being Ashton?  
 10 A. Ashton.  
 11 And at that point, the judge contacted me  
 12 and told me I needed to write Michelle Bryan  
 13 up a disciplinary action. And I was  
 14 uncomfortable doing that because I had already  
 15 done the memo to her that the judge and I had  
 16 agreed on. And, you know, I brought that to  
 17 the judge's attention that I had already done  
 18 the memo. And she said because Ashton was  
 19 really upset about it and because they'd found  
 20 out that it was connected to some felony  
 21 cases, companion cases, whatever, that I had  
 22 to do a disciplinary action on her. And I did  
 23 that.

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1 But right before I left, I was working on  
 2 three disciplinary actions that I had been  
 3 instructed to do by the judge. And  
 4 Michelle --  
 5 Q. Let's stick with just this one right now.  
 6 A. Okay. Well, Michelle was one of them. And a  
 7 week before I was terminated, I had personally  
 8 taken the writeup over to the judge for her  
 9 review. She was not there. I laid it on her  
 10 desk, and that's the last I saw of it or the  
 11 last I heard of it till -- never mind.  
 12 Q. Until what?  
 13 A. Till I read in some of the -- or heard in the  
 14 personnel hearing of Mary Beth that I had  
 15 never done the writeup, refused to do it,  
 16 which is totally a lie.  
 17 Q. You're saying, Mary Beth -- who --  
 18 A. It was either during --  
 19 Q. Mary Beth Brackin said --  
 20 A. Mary Beth Brackin's personnel -- no. Mary  
 21 Beth didn't say.  
 22 Q. Who said?  
 23 A. Judge, Judge Gordon, either testifying during

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1 Mary Beth Brackin's personnel board hearing or  
 2 in some responsive pleading that was filed by  
 3 you or Len White or whoever, the judge said in  
 4 there that I refused or never did the  
 5 disciplinary writeup.  
 6 Q. On Michelle?  
 7 A. On Michelle.  
 8 Q. But you're not sure where that comes from;  
 9 it's something you read or saw.  
 10 A. Well, I'm sure it's in some of the --  
 11 Q. Court paperwork?  
 12 A. Yes. Don't know which one, but it -- it is in  
 13 there.  
 14 Q. And when you did the memo to Michelle before  
 15 Ashton Ott -- let me back up. Ashton Ott, at  
 16 the time, was with the City's attorney's  
 17 office; is that correct?  
 18 A. Right.  
 19 Q. And she was a City prosecutor; is that  
 20 correct?  
 21 A. Right.  
 22 Q. When you first did that memo before Ashton Ott  
 23 got involved, is it fair to say you didn't

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## FREEDOM COURT REPORTING

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1 know all the facts or the seriousness of what  
 2 Michelle had done; is that correct?  
 3 A. I don't think anybody knew the seriousness at  
 4 that time.  
 5 Q. And then once Ashton got involved in her role  
 6 as City attorney and prosecutor, it came to  
 7 everyone's attention how serious the situation  
 8 was, that Michelle had kept all of those files  
 9 in her office or had left all that in her  
 10 office; is that correct?  
 11 A. She didn't keep those in her office. She  
 12 wasn't aware they were in there.  
 13 Q. Well, that's your terminology. They were in  
 14 her office. What were they -- is that  
 15 correct?  
 16 A. I don't know if they were in her office. She  
 17 told me that they were buried in the move, and  
 18 while looking for other missing paperwork, she  
 19 found them, and let me know about it.  
 20 Q. And then once she let you know, what did you  
 21 do with them?  
 22 A. I took them to the judge and explained the  
 23 situation.

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1 Q. Now, you said, there were two other situations  
 2 that you were in the process of doing a  
 3 disciplinary action on someone.  
 4 A. Right.  
 5 Q. Is that correct?  
 6 A. Yes.  
 7 Q. Who were the other two?  
 8 A. Mary Turner and Ann Baxter.  
 9 Q. Okay. Why were you doing a disciplinary  
 10 action on Mary Turner?  
 11 A. That's a good question. There was a -- loud  
 12 voices kind of -- I don't even call it a  
 13 confrontation. I was there in the hallway  
 14 between Mary Turner and Ann Baxter about some  
 15 case -- don't know what case, don't recall --  
 16 where they raised their voices at each other  
 17 and I went -- I was sitting in my office and  
 18 saw them and heard it, went out there to see  
 19 what was going on. And by that time, some of  
 20 the other magistrates had gathered there. And  
 21 I told them -- I asked them what the problem  
 22 was. And both of them said, nothing, we do  
 23 this all the time. You know, we raise our

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1 voice at each other. Mary says something. I  
 2 say something back.  
 3 And I said, well, I don't want it  
 4 happening out here in the hallway or anything,  
 5 and y'all just need to cool it.  
 6 Then to be sure that there really wasn't  
 7 something going on, when they got back to  
 8 their offices, I went and talked to Ann Baxter  
 9 privately and asked her if I -- if she needed  
 10 me to take it up with the judge, if she needed  
 11 me to -- if she thought it was worth  
 12 disciplinary action of Mary, was it more than  
 13 what they had told me in the hallway. I  
 14 wanted it from her one on one.  
 15 And she just laughed and said, no, Mary  
 16 and I have been doing this for years.  
 17 Q. And as their supervisor, you thought that was  
 18 appropriate conduct?  
 19 A. I didn't see it as a big deal because others  
 20 in the office raise their voices, too.  
 21 Q. Did you ever see Mary Turner throw or become  
 22 angry and throw a stack of warrants all over  
 23 the floor?

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1 A. I don't recall that.  
 2 Q. Isn't that something you might remember if you  
 3 saw it?  
 4 A. Yes, if I saw it. I guess I didn't see it.  
 5 Q. You've never heard of her doing that?  
 6 A. No.  
 7 Q. Do you think that would warrant disciplinary  
 8 action?  
 9 A. Not necessarily.  
 10 Q. Have you ever supervised anybody before?  
 11 A. I think I've answered that already.  
 12 Q. Who --  
 13 A. And I still supervise to this day.  
 14 Q. Who did you supervise at Legal Services, how  
 15 many people?  
 16 A. Like I said, at different times, I supervised  
 17 different numbers of people.  
 18 Q. Like two secretaries and a receptionist?  
 19 A. To begin with, I supervised a legal secretary  
 20 in Troy, a receptionist in Troy, a  
 21 receptionist in Dothan, and three or four  
 22 legal secretaries.  
 23 Q. Did you fill out their evaluations?

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|  |   |
|--|---|
| <p style="text-align: right;">Page 145</p> <p>1 A. Yes, I did.</p> <p>2 <b>Q. Could you hire and fire them?</b></p> <p>3 A. I could recommend.</p> <p>4 <b>Q. And you thought it was normal conduct for</b></p> <p>5 <b>people to be yelling and screaming in the</b></p> <p>6 <b>office?</b></p> <p>7 A. It wasn't quite like that.</p> <p>8 <b>Q. Does the public come in the magistrates'</b></p> <p>9 <b>office?</b></p> <p>10 A. Not in that particular place.</p> <p>11 <b>Q. And where did this take place?</b></p> <p>12 A. In the hallway.</p> <p>13 <b>Q. Did the public see it or hear it?</b></p> <p>14 A. They couldn't see it.</p> <p>15 <b>Q. Could they hear it?</b></p> <p>16 A. I don't know. Undoubtedly, according to the</p> <p>17 judge, a trustee heard it because that's who</p> <p>18 she claims told her about it. But I don't</p> <p>19 recall seeing a trustee there at that time.</p> <p>20 <b>Q. So the two other instances -- was Mary</b></p> <p>21 <b>Turner and -- the situation you described</b></p> <p>22 <b>involved two other people?</b></p> <p>23 A. Right. And I was made to write Mary Turner up</p>                | <p style="text-align: right;">Page 147</p> <p>1 A. Did I know her? I had met her over in court.</p> <p>2 <b>Q. Or interacted with her?</b></p> <p>3 <b>How frequently was she in court?</b></p> <p>4 A. Quite frequently.</p> <p>5 <b>Q. Quite frequently?</b></p> <p>6 A. Uh-huh (positive response).</p> <p>7 <b>Q. And how often were you in the courtroom?</b></p> <p>8 A. To begin with, not a whole lot. I mean, maybe</p> <p>9 once a week.</p> <p>10 <b>Q. And did that become more frequent?</b></p> <p>11 A. When we -- when I changed job duties of some</p> <p>12 of the magistrates and the -- and two new ones</p> <p>13 started working court, I was over there more</p> <p>14 in case they needed assistance or I could</p> <p>15 get -- so I could get someone to assist them.</p> <p>16 And I ended up -- there were a lot of -- some</p> <p>17 days there were a lot more cases on the</p> <p>18 docket. If there was going to be 600 people,</p> <p>19 meant there were going to be a lot of people</p> <p>20 in the fines room. And I would stay over</p> <p>21 there to make sure -- help the magistrate keep</p> <p>22 that in order.</p> <p>23 <b>Q. Who were the two new ones?</b></p> |
| <p style="text-align: right;">Page 146</p> <p>1 and that -- and that disciplinary action, I</p> <p>2 did against -- I mean, I -- the judge told me</p> <p>3 to and I did it. And that's the second one</p> <p>4 that I laid on her desk about a week before I</p> <p>5 was terminated. And I never heard anything</p> <p>6 else about it. And the judge disputes -- also</p> <p>7 makes mention that I refused to do the</p> <p>8 disciplinary action.</p> <p>9 <b>Q. And your --</b></p> <p>10 A. Which those would be on my computer -- you</p> <p>11 know, should still be on there.</p> <p>12 <b>Q. The judge's disputing it, your reference point</b></p> <p>13 <b>there comes from what?</b></p> <p>14 A. From the same thing as the other I told you.</p> <p>15 <b>Q. Either the hearing or --</b></p> <p>16 A. Hearing or --</p> <p>17 <b>Q. -- something you read in --</b></p> <p>18 A. -- reading somewhere in some of these</p> <p>19 documents. Yes.</p> <p>20 <b>Q. -- court documents?</b></p> <p>21 <b>Now, did you know Ashton Ott before this</b></p> <p>22 <b>issue with Michelle Bryan and the documents</b></p> <p>23 <b>came up?</b></p> | <p style="text-align: right;">Page 148</p> <p>1 A. Lavera McClain and Eunice Knight. Well, not</p> <p>2 really -- Eunice had worked one part of court,</p> <p>3 but she hadn't worked with traffic court.</p> <p>4 <b>Q. Newton court?</b></p> <p>5 A. Right.</p> <p>6 <b>Q. And was this part of this cross-training?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. And isn't it true that y'all were actually</b></p> <p>9 <b>rotating duties periodically for everybody to</b></p> <p>10 <b>learn all aspects of the magistrates' job?</b></p> <p>11 A. Right.</p> <p>12 <b>Q. And was it like a 90 day or --</b></p> <p>13 A. No, it wasn't. There was no agreed-upon time</p> <p>14 period. We said every two to three months.</p> <p>15 <b>Q. Every two to three months. Okay. And who is</b></p> <p>16 <b>"we?"</b></p> <p>17 A. Me and the judge, Judge Gordon.</p> <p>18 <b>Q. And, now, when the two of them were in court,</b></p> <p>19 <b>would you assist them if they needed help?</b></p> <p>20 A. I took things to the fines room for them.</p> <p>21 But, no, I wasn't trained to work the court</p> <p>22 system in court.</p> <p>23 <b>Q. Did you ever make any decisions in the</b></p>              |

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## FREEDOM COURT REPORTING

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|---|---|
| <p>1 courtroom as to how attorneys could proceed or</p> <p>2 how they had to conduct themselves in court?</p> <p>3 A. I'm not sure I understand your question.</p> <p>4 <b>Q. Well, did you make any rules or policies or</b></p> <p>5 <b>procedures that affected attorneys filing</b></p> <p>6 <b>motions?</b></p> <p>7 A. I didn't make the policy. Judge Gordon made</p> <p>8 the policy, and I did the memo. No, let me</p> <p>9 take that back. Judge Gordon did the memo.</p> <p>10 <b>Q. What policy memo are you talking about?</b></p> <p>11 A. I'm talking about the one where -- there was</p> <p>12 one where if the attorneys did not enter</p> <p>13 appearance or if they wanted -- or if they</p> <p>14 wanted to enter a plea or any motions, if that</p> <p>15 was not done I believe seven days before the</p> <p>16 court time, they had to bring it</p> <p>17 over -- appear in court and bring it before</p> <p>18 the judge after she convened court.</p> <p>19 <b>Q. Did you ever refuse to let attorneys file</b></p> <p>20 <b>motions?</b></p> <p>21 A. No.</p> <p>22 <b>Q. Did you ever get involved in attorneys</b></p> <p>23 <b>appearing and instruct them as to what order</b></p> | <p>1 A. I just -- I've already answered that</p> <p>2 question. I told you it was from the judge.</p> <p>3 <b>Q. Well, I don't understand it, so I want you to</b></p> <p>4 <b>expand on it.</b></p> <p>5 A. The judge did a memo to all magistrates,</p> <p>6 clerks, everyone in the magistrates' office.</p> <p>7 Actually, I believe the memo -- no, it didn't</p> <p>8 just say magistrates. It said to all</p> <p>9 concerned parties. And these were given</p> <p>10 out -- this memo was given out when an</p> <p>11 attorney appeared with a motion that was not</p> <p>12 being timely filed and they were given this</p> <p>13 document, letting them know that they either</p> <p>14 have to be timely filed because it affects the</p> <p>15 docket or -- and I believe it -- I'm pretty</p> <p>16 sure it said, seven days before. And if not,</p> <p>17 they or someone from their office would have</p> <p>18 to appear at their allotted court time for the</p> <p>19 case and present the documents to the judge at</p> <p>20 that time.</p> <p>21 <b>Q. Okay. And are you aware of any attorney being</b></p> <p>22 <b>affected by this memo?</b></p> <p>23 A. An attorney being affected?</p> |
| Page 150  | Page 152  |
| <p>1 they could handle a particular case or submit</p> <p>2 filings in a particular case that may have</p> <p>3 been on the docket that day?</p> <p>4 A. No. The memo directed that.</p> <p>5 <b>Q. And what memo are you talking about?</b></p> <p>6 A. I'm talking about the same memo.</p> <p>7 <b>Q. And what did it direct?</b></p> <p>8 A. Just what I told you, that attorneys are to go</p> <p>9 before the judge after she convened court to</p> <p>10 file those if they weren't filed in a timely</p> <p>11 manner. Actually, that wasn't a new memo.</p> <p>12 That was a policy before I came. It just</p> <p>13 wasn't being enforced, as were many others not</p> <p>14 enforced.</p> <p>15 <b>Q. I'm still not sure I'm following you or that</b></p> <p>16 <b>we're on the same wavelength here. Explain</b></p> <p>17 <b>this memo to me.</b></p> <p>18 A. Well, if -- if y'all had provided what we</p> <p>19 asked for in documents, you could show it to</p> <p>20 me, and I could tell you. But you didn't.</p> <p>21 <b>Q. Well --</b></p> <p>22 A. But there is a memo.</p> <p>23 <b>Q. Well, I'm asking you to describe that memo.</b></p>   | <p>1 <b>Q. Yeah.</b></p> <p>2 MR. JAFFREE: I'm not sure the question is</p> <p>3 clear. It's too opaque. Affected</p> <p>4 how? Because the memo wasn't</p> <p>5 addressed to the attorney.</p> <p>6 <b>Q. Well, did you interpret this memo -- well,</b></p> <p>7 <b>what if a motion was not timely filed, what</b></p> <p>8 <b>would happen?</b></p> <p>9 A. Just what I said. They're supposed to go over</p> <p>10 to the court and file it with the judge and</p> <p>11 let her decide. If they filed them timely,</p> <p>12 they could be attached to the court paperwork,</p> <p>13 entered in the computer system, and sent over</p> <p>14 to the judge if there was time before the</p> <p>15 court date. If not, they were attached to the</p> <p>16 paperwork and sent over with the court</p> <p>17 docket. If they weren't timely filed, they</p> <p>18 had to go to court.</p> <p>19 <b>Q. If it was not, in your eyes, timely filed,</b></p> <p>20 <b>would you refuse to take it?</b></p> <p>21 A. I would not take it in the magistrates'</p> <p>22 office, no, because I was directed to send</p> <p>23 them to court.</p>   |

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|--|---|
| <p>1 Q. Did you ever in court refuse to take a filing?</p> <p>2 A. Did I?</p> <p>3 Q. Yes.</p> <p>4 A. No.</p> <p>5 Q. Do --</p> <p>6 A. If one was presented to me in court, that</p> <p>7 was -- the court date, they were to go before</p> <p>8 the judge.</p> <p>9 Q. So you would not file it; you would tell them</p> <p>10 to take it up with the judge?</p> <p>11 A. I didn't file things in the courtroom.</p> <p>12 Q. When you were in the courtroom, what were you</p> <p>13 doing?</p> <p>14 A. Sometimes I was observing the magistrates work</p> <p>15 in court. Sometimes I was observing the</p> <p>16 magistrate in the fines room. Sometimes I was</p> <p>17 in the fines room, keeping the loud talk and</p> <p>18 laughter and everything down. Sometimes I was</p> <p>19 talking to attorneys that I knew.</p> <p>20 Q. You were, in essence, trying to learn the job;</p> <p>21 is that correct?</p> <p>22 A. I was trying to learn the job, and I was also</p> <p>23 observing the people that I supervised. I was</p>                         | <p>1 over the phone and hanging up on me, which was</p> <p>2 very unprofessional.</p> <p>3 Q. Who do you contend she was demeaning in open</p> <p>4 court?</p> <p>5 A. That particular time was Michelle Bryan and</p> <p>6 Valarie Savage.</p> <p>7 Q. Did you see this happen?</p> <p>8 A. No, I didn't.</p> <p>9 Q. And how do you know that this occurred?</p> <p>10 A. They told me it did.</p> <p>11 Q. What did they tell you?</p> <p>12 A. They told me that she was -- she had an</p> <p>13 outburst and said that the magistrates were so</p> <p>14 stupid, that they had made error again, and</p> <p>15 they couldn't do anything right.</p> <p>16 Q. And this was just coming from Michelle and</p> <p>17 Valarie; is that correct?</p> <p>18 A. No. One of the police officers in court told</p> <p>19 me also.</p> <p>20 Q. Who was that?</p> <p>21 A. Brad Baum.</p> <p>22 Q. Who?</p> <p>23 A. Brad Baum.</p>  |
| Page 154   | Page 156  |
| <p>1 not learning to work court because that was</p> <p>2 not my job duty.</p> <p>3 Q. But if you had to supervise those that worked</p> <p>4 court and handle all the other things</p> <p>5 magistrates do, weren't you expected to know</p> <p>6 or learn what the job entails?</p> <p>7 A. I was learning, but I wasn't expected to sit</p> <p>8 down there and do it.</p> <p>9 Q. Were you ever expected to interact with the</p> <p>10 public?</p> <p>11 A. Yes.</p> <p>12 Q. And did you?</p> <p>13 A. Many times.</p> <p>14 Q. Were you expected to interact with the public</p> <p>15 defender and the City attorney's office?</p> <p>16 A. Sure.</p> <p>17 Q. What was your relationship with Ashton Ott?</p> <p>18 A. I thought it was pretty good until I asked her</p> <p>19 not to demean, degrade the magistrates in open</p> <p>20 court. I very nicely called and asked her not</p> <p>21 to do that, to please call me and let me know</p> <p>22 about the situation, and we could work out a</p> <p>23 solution. And she ended up throwing a fit</p> | <p>1 Q. And what did he tell you?</p> <p>2 A. He told me that there was outburst by her but</p> <p>3 that there had been many degrading</p> <p>4 magistrates.</p> <p>5 Q. When you learned this, what did you do?</p> <p>6 A. I told you. I picked up the phone, and I</p> <p>7 called Ashton. And I asked her what happened,</p> <p>8 and she said that she didn't do that. But I</p> <p>9 asked her, I said, if you have a problem with</p> <p>10 the magistrates, please call me and let's work</p> <p>11 something out about it, instead of degrading</p> <p>12 them in front of hundreds of defendants and</p> <p>13 other attorneys and all.</p> <p>14 Q. And your testimony is that she then hung up on</p> <p>15 you?</p> <p>16 A. She did hang up on me. She did hang up on me.</p> <p>17 Q. And if Ashton's recollection of that event is</p> <p>18 different, you would say she was not being</p> <p>19 truthful?</p> <p>20 A. I would say she's lying.</p> <p>21 Q. Do you know if she's made complaints about</p> <p>22 you?</p> <p>23 A. Not to my knowledge.</p> |

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## FREEDOM COURT REPORTING

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|---|---|
| <p>1 Q. Ashton is white; is that correct?</p> <p>2 A. Right.</p> <p>3 Q. What about the public defenders; what's your</p> <p>4 relationship with the public defenders?</p> <p>5 A. Specific --</p> <p>6 MR. JAFFREE: Well, are there more than</p> <p>7 one?</p> <p>8 A. Give me names.</p> <p>9 Q. How many public defenders do you know?</p> <p>10 A. Give me names of what you're asking.</p> <p>11 Q. I'm asking you, do you know the public</p> <p>12 defenders for the City of Dothan?</p> <p>13 MR. JAFFREE: Let me object to the form of</p> <p>14 the question. It doesn't indicate at</p> <p>15 what point in time does she know the</p> <p>16 name of the public defenders, now,</p> <p>17 then?</p> <p>18 MS. NELSON: Then when she worked with the</p> <p>19 City of Dothan as court</p> <p>20 administrator.</p> <p>21 A. I believe Shaun McGhee was one.</p> <p>22 Q. Anybody else?</p> <p>23 A. I think Ginger Emfinger or Scarborough or</p>   | <p>1 on?</p> <p>2 A. The judge's telling me that. And she advised</p> <p>3 me that -- not to entertain complaints made to</p> <p>4 me or she would prefer I didn't unless they</p> <p>5 were made in writing.</p> <p>6 Q. Did the magistrates come and complain to you?</p> <p>7 A. Yeah, I have some written complaints.</p> <p>8 Q. I mean, did anybody ever complain to you</p> <p>9 that's not in writing?</p> <p>10 A. Sure.</p> <p>11 Q. What did they complain to you about?</p> <p>12 A. About all the errors that they were having to</p> <p>13 correct for Eunice and Lavera.</p> <p>14 Q. Is it your contention that only Eunice and</p> <p>15 Lavera made errors?</p> <p>16 A. No, it's not my contention. They certainly</p> <p>17 weren't the only one that made errors. They</p> <p>18 just made a hundred times more than anybody</p> <p>19 else did.</p> <p>20 Q. And how do you -- what do you base that on?</p> <p>21 A. Because I saw paperwork. I pulled the</p> <p>22 paperwork to look at it. I looked it up in</p> <p>23 the court system. I checked everybody's,</p>   |
| Page 158  | Page 160  |
| <p>1 whatever. She went by two different names.</p> <p>2 Q. You seem hesitant. Did you not work with them</p> <p>3 very often?</p> <p>4 A. I was over in court. I didn't -- I mean, I</p> <p>5 socialize with them.</p> <p>6 Q. Socialized meaning?</p> <p>7 A. I mean in court, talking to them.</p> <p>8 Q. What would you say your relationship with</p> <p>9 Shaun McGhee was?</p> <p>10 A. I had a good relationship with Shaun McGhee.</p> <p>11 Q. What about Ginger?</p> <p>12 A. I thought I had a good relationship with</p> <p>13 Ginger.</p> <p>14 Q. Are you aware of any complaints that they have</p> <p>15 made against you?</p> <p>16 A. No. I would love to see the written</p> <p>17 complaints that were made against me, though.</p> <p>18 Q. Do you contend that every complaint has to be</p> <p>19 in writing?</p> <p>20 A. I contend that the judge had a policy that</p> <p>21 every complaint to her had to be in writing,</p> <p>22 or she wouldn't entertain it.</p> <p>23 Q. And what do you base this on -- that statement</p> | <p>1 behind everybody.</p> <p>2 Q. And your testimony is they have a hundred</p> <p>3 times more errors than anyone else?</p> <p>4 A. Right.</p> <p>5 Q. Did you keep documents of errors that were</p> <p>6 made?</p> <p>7 A. At the time I was employed, yes. Most of the</p> <p>8 time, I would -- I wanted to ask them to</p> <p>9 correct it, but the judge had told me that if</p> <p>10 it's just simple errors and the person</p> <p>11 complaining could make it as quick as they</p> <p>12 could, they should just correct it.</p> <p>13 Q. What type of errors are we talking about?</p> <p>14 A. Not recalling -- well, recalling warrants in</p> <p>15 the computer system. Or these are the worst</p> <p>16 ones, the very bad ones: Recalling warrants</p> <p>17 in the computer system but not getting the</p> <p>18 warrant secured from the police department,</p> <p>19 jail. And people would be wrongly arrested</p> <p>20 then because there would still be a warrant</p> <p>21 out. Errors such as no disposition code in</p> <p>22 many cases where they'd worked court and just</p> <p>23 hadn't followed up and done the paperwork.</p> |

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## FREEDOM COURT REPORTING

|  |   |
|--|---|
| <p style="text-align: right;">Page 161</p> <p>1 They filed them away unfinished. Court dates</p> <p>2 set that should have been an arraignment was</p> <p>3 set on traffic days.</p> <p>4 <b>Q. Was the computer responsible for any of these</b></p> <p>5 <b>errors? Could the computer have been</b></p> <p>6 <b>responsible for any of these errors?</b></p> <p>7 A. Yes, it was responsible for a few.</p> <p>8 <b>Q. Did Ann Baxter commit errors?</b></p> <p>9 A. Sure she did. I said all of them did.</p> <p>10 <b>Q. Were hers a hundred times worse than anybody</b></p> <p>11 <b>else?</b></p> <p>12 A. Hers were -- no, not that much. She was the</p> <p>13 next one that committed errors.</p> <p>14 <b>Q. Did you ever write her up?</b></p> <p>15 A. No, I didn't. I didn't write Eunice and</p> <p>16 Lavera up. I wasn't allowed to. They were</p> <p>17 untouchable.</p> <p>18 <b>Q. What did you want to write them up for?</b></p> <p>19 A. For all the errors that they were making.</p> <p>20 They weren't -- it wasn't changing. You</p> <p>21 expect over time the errors to lessen.</p> <p>22 <b>Q. Well, you just told me about three. Are you</b></p> <p>23 <b>aware of anybody else that recalled a warrant</b></p> | <p style="text-align: right;">Page 163</p> <p>1 allowed to write others up? That was unfair.</p> <p>2 <b>Q. What about any other magistrate fail to enter</b></p> <p>3 <b>a disposition code besides Eunice or Lavera?</b></p> <p>4 A. I don't recall ever seeing one.</p> <p>5 <b>Q. How many dispositions code errors did Eunice</b></p> <p>6 <b>make?</b></p> <p>7 A. I don't have a count. I don't have the</p> <p>8 documents.</p> <p>9 <b>Q. What about Lavera?</b></p> <p>10 A. Many.</p> <p>11 <b>Q. What about setting the court date for -- I</b></p> <p>12 <b>think you said, setting a court date for a</b></p> <p>13 <b>time that something else was going on. I'm</b></p> <p>14 <b>sorry. You said there was another error that</b></p> <p>15 <b>they set a court --</b></p> <p>16 A. They would set court dates. They were not</p> <p>17 paying attention or checking their work. They</p> <p>18 had court dates -- people would print out on a</p> <p>19 docket that their court date should actually</p> <p>20 be on a traffic court. They would be on an</p> <p>21 arraignment day, or vice versa.</p> <p>22 <b>Q. Arraignment day. That's what I --</b></p> <p>23 A. Yeah.</p>             |
| <p style="text-align: right;">Page 162</p> <p>1 <b>in the computer system that somehow didn't get</b></p> <p>2 <b>communicated to the jail?</b></p> <p>3 A. Yeah.</p> <p>4 <b>Q. Who?</b></p> <p>5 A. Ann. But she didn't do it near as many times</p> <p>6 as Lavera and Eunice did it.</p> <p>7 <b>Q. How many times did Lavera do it?</b></p> <p>8 A. I don't have a specific count.</p> <p>9 <b>Q. How many times did Eunice do it?</b></p> <p>10 A. I don't have a specific count.</p> <p>11 <b>Q. Did Valarie or Mary Beth or Mary Turner or</b></p> <p>12 <b>Michelle, did they recall any warrants in the</b></p> <p>13 <b>system that didn't get communicated to the</b></p> <p>14 <b>jail?</b></p> <p>15 A. I'm sure they -- maybe ever -- occasionally.</p> <p>16 I don't know if they did it -- I don't</p> <p>17 remember or recall if they did it while I was</p> <p>18 there.</p> <p>19 <b>Q. But feel like they did?</b></p> <p>20 A. They could have.</p> <p>21 <b>Q. Did you write them up or try to write them up?</b></p> <p>22 A. No, because they didn't do it. They were --</p> <p>23 why would I write one person up and not be</p>  | <p style="text-align: right;">Page 164</p> <p>1 <b>Q. How many times did Lavera do this?</b></p> <p>2 A. Many.</p> <p>3 <b>Q. How many is "many?"</b></p> <p>4 A. In fact their -- I did an -- I did an e-mail</p> <p>5 to Lavera and Eunice because it kept happening</p> <p>6 and kept happening. I did an e-mail to them,</p> <p>7 advising that Valarie and I were having to</p> <p>8 continually correct these dates and that they</p> <p>9 should pay better attention and get them set</p> <p>10 on the right court dates. And from then on, I</p> <p>11 was going to be taking it back to them to</p> <p>12 correct instead of us correcting them.</p> <p>13 <b>Q. They were setting these dates because they</b></p> <p>14 <b>were the two people working court; is that</b></p> <p>15 <b>correct?</b></p> <p>16 A. Not always.</p> <p>17 <b>Q. Who else was working court?</b></p> <p>18 A. The errors didn't always happen from working</p> <p>19 court.</p> <p>20 <b>Q. Did anybody else besides Eunice or Lavera make</b></p> <p>21 <b>a court date entry for a time when it was</b></p> <p>22 <b>arraignment day, for example?</b></p> <p>23 A. Could have, not -- not in the quantity that</p> |

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|---|--|
| <p>1 Eunice and Lavera were doing.</p> <p>2 <b>Q. But I think just a little while ago when I was</b></p> <p>3 <b>asking about who was working court, it was</b></p> <p>4 <b>primarily Eunice and Lavera when you were</b></p> <p>5 <b>there?</b></p> <p>6 A. At that particular time.</p> <p>7 <b>Q. Is that correct?</b></p> <p>8 A. At that particular time, yes. They started</p> <p>9 working court the end of June. Until that</p> <p>10 time, the major court was worked by Valarie</p> <p>11 Savage and Michelle Bryan.</p> <p>12 <b>Q. Do you know how many errors they made?</b></p> <p>13 A. Very few during my tenure.</p> <p>14 <b>Q. Are you aware that any attorneys or members of</b></p> <p>15 <b>the Bar in Dothan made complaints against you</b></p> <p>16 <b>or about you?</b></p> <p>17 A. No, I was never given any complaints that were</p> <p>18 made against me. And if there were any made,</p> <p>19 I was never provided anything. But if they</p> <p>20 were made, it was because I was enforcing</p> <p>21 policies that had not been enforced before.</p> <p>22 <b>Q. And what policies were those? I know we've</b></p> <p>23 <b>talked about the memo -- I mean, about the</b></p> | <p>1 A. I don't know. Can't recall. That was also --</p> <p>2 part of that was also a policy before I came</p> <p>3 there that just wasn't being enforced.</p> <p>4 <b>Q. What part was that?</b></p> <p>5 A. The attorneys getting paperwork before court</p> <p>6 started -- I mean, from the magistrates.</p> <p>7 <b>Q. Did you ever keep any records regarding errors</b></p> <p>8 <b>made on -- where there may be -- where you're</b></p> <p>9 <b>posting moneys and needs to be a reversal or</b></p> <p>10 <b>improper handling of the moneys?</b></p> <p>11 A. Say that again.</p> <p>12 <b>Q. Did you ever keep any records of magistrates</b></p> <p>13 <b>who were involved in, like, posting moneys</b></p> <p>14 <b>paid that were, say, wrongfully posted and</b></p> <p>15 <b>moneys had to be -- or the entry had to be</b></p> <p>16 <b>reversed?</b></p> <p>17 A. There was a lot of -- several things brought</p> <p>18 to my attention on that, and I had to have</p> <p>19 Valerie Harris, the city auditor, had to --</p> <p>20 her with Accounting got involved with doing</p> <p>21 some of those reversals because they were not</p> <p>22 being done right.</p> <p>23 <b>Q. Was this before you got there or after you got</b></p> |
| Page 166  | Page 168   |
| <p>1 <b>motions not being timely filed. What other</b></p> <p>2 <b>policies are you talking about?</b></p> <p>3 A. Well, that was the main one. And then there</p> <p>4 was a memo -- because the attorneys were bad</p> <p>5 about coming up to the court magistrates</p> <p>6 working court, wanting to get court documents</p> <p>7 before court started. And that was put a stop</p> <p>8 to. There was a memo directing them or</p> <p>9 bondsmen not to come up and take paperwork --</p> <p>10 case paperwork from the magistrate working</p> <p>11 court, and they weren't happy about that</p> <p>12 either.</p> <p>13 <b>Q. Are these policies that you put out?</b></p> <p>14 A. Well, the first one we talked about was under</p> <p>15 the judge's signature.</p> <p>16 <b>Q. I'm talking about the memos regarding the</b></p> <p>17 <b>bondsmen and attorneys.</b></p> <p>18 A. It might have been under my signature, but it</p> <p>19 was discussed with the judge and agreed to by</p> <p>20 the judge. And it was copied to the judge.</p> <p>21 <b>Q. When did you discuss this with the judge?</b></p> <p>22 A. Before I did the memo.</p> <p>23 <b>Q. Was anybody else present?</b></p>       | <p>1 <b>there?</b></p> <p>2 A. This was after I got there.</p> <p>3 <b>Q. Well, I'm going to show you, for example --</b></p> <p>4 <b>(Defendants' Exhibit 11 was marked</b></p> <p>5 <b>for identification.)</b></p> <p>6 <b>Q. I'm just going to show you what I've marked as</b></p> <p>7 <b>Defendants' Exhibit 11. Is that something you</b></p> <p>8 <b>can identify for me? Is that your writing?</b></p> <p>9 A. Where?</p> <p>10 <b>Q. On that first page.</b></p> <p>11 A. No, it's not.</p> <p>12 <b>Q. Do you know who did that?</b></p> <p>13 A. No, I don't. It's not my writing.</p> <p>14 <b>Q. Do you know what that document is?</b></p> <p>15 A. Yeah. It's where a reversal was done. Could</p> <p>16 have been --</p> <p>17 <b>Q. You need to speak up. It's where a what is</b></p> <p>18 <b>done?</b></p> <p>19 A. A reversal.</p> <p>20 <b>Q. And what is a reversal?</b></p> <p>21 A. When something is posted to the wrong account</p> <p>22 or posted wrongly.</p> <p>23 <b>Q. Did you keep -- have you ever seen this one</b></p>  |

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|---|---|
| <p>1 before?</p> <p>2 A. No, I haven't.</p> <p>3 <b>Q. And you don't know who did that?</b></p> <p>4 A. Kind of looks like Mary Beth Brackin's</p> <p>5 writing, but I couldn't swear to that. Don't</p> <p>6 recognize the name at all.</p> <p>7 (Defendants' Exhibit 12 was marked</p> <p>8 for identification.)</p> <p>9 <b>Q. Let me show you one that's marked Defendants'</b></p> <p>10 <b>Exhibit 12. That's also a reversal; is that</b></p> <p>11 <b>correct?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. Is any of that your writing?</b></p> <p>14 A. No, it's not.</p> <p>15 <b>Q. Do you recognize whose that might be?</b></p> <p>16 A. I can just guess. Could be Mary Beth</p> <p>17 Brackin's, but I've never seen it.</p> <p>18 (Defendants' Exhibit 13 was marked</p> <p>19 for identification.)</p> <p>20 <b>Q. Another one, Defendants' 13, is that a</b></p> <p>21 <b>reversal?</b></p> <p>22 A. Yes, it is.</p> <p>23 <b>Q. Do you recognize that writing?</b></p>   | <p>1 reversals take place in the office?</p> <p>2 MR. JAFFREE: Let me object to the form of</p> <p>3 the question, the relevance of the</p> <p>4 question, and the implication from the</p> <p>5 question that these are reversals that</p> <p>6 she should have known about. This</p> <p>7 witness don't know anything about</p> <p>8 these reversals, whether or not they</p> <p>9 was manufactured yesterday, at the</p> <p>10 time of the report to have been</p> <p>11 manufactured, who drafted them, or</p> <p>12 anything. So if you're going to</p> <p>13 criticize her for --</p> <p>14 MS. NELSON: You stated your objection.</p> <p>15 I'd ask you not to testify for her.</p> <p>16 MR. JAFFREE: Well, I'm not testifying.</p> <p>17 I'm only --</p> <p>18 <b>Q. As court administrator, it's your testimony</b></p> <p>19 <b>that you've never seen one of these documents?</b></p> <p>20 A. That's right.</p> <p>21 <b>Q. You've never seen the form itself?</b></p> <p>22 A. Yeah, I've seen the form.</p> <p>23 <b>Q. Are you charged with keeping track of how many</b></p>   |
| Page 170  | Page 172  |
| <p>1 A. Can't say for sure. It's not my writing.</p> <p>2 MR. JAFFREE: Let me, for the Record,</p> <p>3 object to Defendants' 11, 12, or 13</p> <p>4 being attached to the deposition for</p> <p>5 any purpose. The plaintiff/witness</p> <p>6 cannot identify them. She said that</p> <p>7 they're not her writing and she don't</p> <p>8 know when these was generated. She</p> <p>9 can't attest to the veracity of any of</p> <p>10 these documents.</p> <p>11 (Defendants' Exhibit 14 was marked</p> <p>12 for identification.)</p> <p>13 <b>Q. Let's me show you Defendants' Exhibit Number</b></p> <p>14 <b>14. Is that also a reversal?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. Do you recognize any writing on that document?</b></p> <p>17 A. No. I wasn't even there that day, and it's</p> <p>18 not my writing. And I don't really know whose</p> <p>19 it is. I believe I was off that day.</p> <p>20 <b>Q. Well, as manager of -- or as court</b></p> <p>21 <b>administrator, were you responsible for --</b></p> <p>22 <b>supervising the magistrates, we've established</b></p> <p>23 <b>that. Are you charged with knowing if</b></p> | <p>1 reversals that somebody has been charged with</p> <p>2 or made?</p> <p>3 A. Say that again.</p> <p>4 <b>Q. Are you responsible for knowing if a</b></p> <p>5 <b>particular magistrate has posted -- wrongly</b></p> <p>6 <b>posted money that had to be reversed?</b></p> <p>7 A. I -- I can't say that I always knew, no. And,</p> <p>8 especially, the last one, I was on vacation at</p> <p>9 the time and had appointed a magistrate in</p> <p>10 charge in my absence.</p> <p>11 <b>Q. Well, when you come back, isn't it your duty</b></p> <p>12 <b>to know what's going on in the office?</b></p> <p>13 A. Well, I really didn't have time when I came</p> <p>14 back because I was pretty much terminated</p> <p>15 after that time.</p> <p>16 <b>Q. Well, I think one of those was dated in July.</b></p> <p>17 <b>You weren't terminated right after that, were</b></p> <p>18 <b>you?</b></p> <p>19 A. I never saw the document, though. I can't do</p> <p>20 anything about things I didn't see.</p> <p>21 <b>Q. And why is it that you did not see it?</b></p> <p>22 A. I don't know.</p> <p>23 <b>Q. Are you not responsible -- did you make an</b></p> |

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|  |   |
|--|---|
| <p style="text-align: right;">Page 173</p> <p>1 attempt to find out who had reversals and who</p> <p>2 didn't?</p> <p>3 A. Mostly if Accounting or Valerie Harris called</p> <p>4 to let me know, yes.</p> <p>5 <b>Q. You said, you've seen this form. Tell me your</b></p> <p>6 <b>understanding of how this form is used?</b></p> <p>7 A. I believe Mary Beth -- no. I don't know who</p> <p>8 did -- whoever did the reversal had to fill</p> <p>9 out a form that I believe went in with their</p> <p>10 balancing sheet.</p> <p>11 <b>Q. And as court administrator, you don't know who</b></p> <p>12 <b>was responsible for doing reversals or keeping</b></p> <p>13 <b>up with that?</b></p> <p>14 A. The -- each magistrate that did the wrong</p> <p>15 would reverse it, unless it was so wrong that</p> <p>16 Accounting or Valerie Harris had to get</p> <p>17 involved as she did many times.</p> <p>18 <b>Q. But you're saying -- you said earlier a couple</b></p> <p>19 <b>times that Mary Beth might have, Mary Beth</b></p> <p>20 <b>might have. Was Mary Beth responsible for</b></p> <p>21 <b>keeping track of reversals?</b></p> <p>22 A. She did the balancing of all the moneys.</p> <p>23 <b>Q. Best of your knowledge -- I know you're saying</b></p> | <p style="text-align: right;">Page 175</p> <p>1 A. I would think it -- it would go in with the</p> <p>2 balancing paperwork for the fines and costs</p> <p>3 that were accepted during the day on the</p> <p>4 report.</p> <p>5 <b>Q. You would think, but that's what you don't</b></p> <p>6 <b>know?</b></p> <p>7 A. I was only training to do that when I left. I</p> <p>8 had done it a few times. Mary Beth was the</p> <p>9 one that did the balance -- the overall office</p> <p>10 balancing for most of the time that I was</p> <p>11 there.</p> <p>12 <b>Q. How many dockets did you prepare when you were</b></p> <p>13 <b>there?</b></p> <p>14 A. I didn't prepare dockets.</p> <p>15 <b>Q. Who did?</b></p> <p>16 A. Valarie Savage and Mary Beth Brackin.</p> <p>17 <b>Q. And if Mary Beth was out, who would prepare</b></p> <p>18 <b>the docket?</b></p> <p>19 A. Are you talking about a specific incident or</p> <p>20 just in general?</p> <p>21 <b>Q. In general.</b></p> <p>22 A. She usually had them posted before she was</p> <p>23 out. They were usually posted two weeks in</p>  |
| <p style="text-align: right;">Page 174</p> <p>1 you don't recognize this, you think it might</p> <p>2 be Mary Beth. Are these forms something that</p> <p>3 Mary Beth worked with or was responsible for?</p> <p>4 A. I don't know that that's Mary Beth's writing.</p> <p>5 <b>Q. I'm not --</b></p> <p>6 A. And I --</p> <p>7 <b>Q. I'm asking you, who's responsible for that?</b></p> <p>8 A. I don't know. I -- I've never seen these</p> <p>9 (indicating) particular documents. I've seen</p> <p>10 a blank document. These could have been</p> <p>11 generated, as my attorney said, at any time.</p> <p>12 <b>Q. Do you have reason to believe that Mary Beth</b></p> <p>13 <b>would not accurately fill one of those forms</b></p> <p>14 <b>out?</b></p> <p>15 A. I can't testify to that because I don't know</p> <p>16 that Mary Beth did that.</p> <p>17 <b>Q. Do you know what was done with these forms?</b></p> <p>18 <b>You said you've seen a blank one. Have you</b></p> <p>19 <b>ever filled one out?</b></p> <p>20 A. Can't say I have or hadn't.</p> <p>21 <b>Q. Would you know how to fill one out?</b></p> <p>22 A. Yeah. Looks pretty simple.</p> <p>23 <b>Q. Then what would you do with it?</b></p>   | <p style="text-align: right;">Page 176</p> <p>1 advance.</p> <p>2 <b>Q. And if they weren't?</b></p> <p>3 A. There never was a time that they weren't.</p> <p>4 <b>Q. It's your testimony that there was not a time</b></p> <p>5 <b>period when Mary Beth was out for two weeks</b></p> <p>6 <b>and court couldn't be held for two weeks</b></p> <p>7 <b>because --</b></p> <p>8 A. That is my testimony.</p> <p>9 <b>Q. -- dockets weren't posted?</b></p> <p>10 A. And anything else is a lie.</p> <p>11 Now, do you want to ask me about the</p> <p>12 specific incident when Mary Beth was out?</p> <p>13 Because the last week of the month, court is</p> <p>14 not held. So one of the weeks Mary Beth was</p> <p>15 out, there was no court. So there was no</p> <p>16 docket. And before she left, she had posted</p> <p>17 the next two weeks' dockets. And I'm sure if</p> <p>18 they haven't been destroyed, those dockets are</p> <p>19 still in the magistrates' office.</p> <p>20 <b>Q. Ms. Martin, we're going to be here for a</b></p> <p>21 <b>while.</b></p> <p>22 A. Yeah.</p> <p>23 <b>Q. And you can continue this sarcastic tone with</b></p> |

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|---|--|
| <p>1 me and accusations of lying, and we'll just</p> <p>2 stay here --</p> <p>3 MR. JAFFREE: Hold it.</p> <p>4 A. I want you to give me names and --</p> <p>5 MR. JAFFREE: One moment. You're arguing</p> <p>6 --</p> <p>7 <b>Q. It's my place to ask you questions. I can ask</b></p> <p>8 <b>my question any way I want to.</b></p> <p>9 MR. JAFFREE: You're arguing with the</p> <p>10 witness.</p> <p>11 MS. NELSON: I am because she's arguing</p> <p>12 with me.</p> <p>13 MR. JAFFREE: She's not giving a --</p> <p>14 MS. NELSON: She's arguing with me and</p> <p>15 she's accusing --</p> <p>16 THE WITNESS: No, I'm not.</p> <p>17 MR. JAFFREE: She's not giving a sarcastic</p> <p>18 tone. She's just simply explaining to</p> <p>19 you what --</p> <p>20 MS. NELSON: She is not, and you know it.</p> <p>21 MR. JAFFREE: Well, no, I don't know it.</p> <p>22 I mean, she says she have answered the</p> <p>23 questions, and she have answered the</p>  | <p>1 that since she was supervising at that time.</p> <p>2 <b>Q. You don't disagree with the writeup; you just</b></p> <p>3 <b>disagree with the fact you had to sign off on</b></p> <p>4 <b>it?</b></p> <p>5 A. I disagree with the writeup.</p> <p>6 <b>Q. And why did you disagree with it if you</b></p> <p>7 <b>weren't even there?</b></p> <p>8 A. Because the judge gave me the material to</p> <p>9 review, and I reviewed it.</p> <p>10 <b>Q. What did you review?</b></p> <p>11 A. Documents.</p> <p>12 <b>Q. What documents?</b></p> <p>13 A. Of what -- I believe what the defendant says</p> <p>14 happened, what Mary Beth says happened. I was</p> <p>15 told by the judge that there was -- or maybe I</p> <p>16 was there when they did the -- I can't</p> <p>17 remember -- the investigation. I'm not sure.</p> <p>18 Mary Beth had a few investigations.</p> <p>19 <b>Q. Do you know anything about this investigation</b></p> <p>20 <b>or who ordered it or prompted it?</b></p> <p>21 A. Only what I heard -- was told to me.</p> <p>22 <b>Q. And you don't know personally for a fact, do</b></p> <p>23 <b>you, what happened?</b></p>  |
| Page 178  | Page 180   |
| <p>1 question. I mean, you can --</p> <p>2 MS. NELSON: That's not what she said.</p> <p>3 <b>Q. Okay. Tell me about this time that</b></p> <p>4 <b>Ms. Brackin posted documents -- the docket</b></p> <p>5 <b>sheet?</b></p> <p>6 A. I just told you. What else do you want to</p> <p>7 know.</p> <p>8 <b>Q. Well, when did this occur?</b></p> <p>9 A. Before she was suspended.</p> <p>10 <b>Q. And you suspended her; is that correct?</b></p> <p>11 A. No. The judge suspended her. I was made to</p> <p>12 do the writeup.</p> <p>13 <b>Q. Do you know what offense she had committed?</b></p> <p>14 A. Don't know for a fact.</p> <p>15 <b>Q. It involved conduct that occurred before you</b></p> <p>16 <b>got there; is that correct?</b></p> <p>17 A. Yes, it was.</p> <p>18 <b>Q. Did you feel like it was inappropriate to</b></p> <p>19 <b>write her up for something that occurred when</b></p> <p>20 <b>you weren't there?</b></p> <p>21 A. Yes, I felt it was inappropriate. I wasn't</p> <p>22 there, was not employed at that time, and it</p> <p>23 was totally appropriate for the judge to do</p> | <p>1 A. I know what I read in the documents and what I</p> <p>2 was told.</p> <p>3 <b>Q. And what were you told?</b></p> <p>4 A. That -- I don't even remember which one this</p> <p>5 is, whether it's --</p> <p>6 <b>Q. If you don't know which one is it, how do you</b></p> <p>7 <b>know whether you agree with it or not or think</b></p> <p>8 <b>it was inappropriate or not?</b></p> <p>9 A. Because I confused -- she had -- she was</p> <p>10 investigated more than once.</p> <p>11 <b>Q. When you were working there, how many times</b></p> <p>12 <b>was she investigated?</b></p> <p>13 A. One -- see, I don't remember if she was</p> <p>14 investigated for this before I got there or</p> <p>15 after. I know that I was in on one, which I</p> <p>16 think is this one where I had to actually be</p> <p>17 in to serve a -- be in there for her to sign a</p> <p>18 document in the investigation. And then I</p> <p>19 was -- then I left.</p> <p>20 <b>Q. So that's the only one that you were even</b></p> <p>21 <b>involved in, this one particular one; and that</b></p> <p>22 <b>would have been in 2004 when you worked for</b></p> <p>23 <b>the City. Is that correct?</b></p> |

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|--|---|
| <p style="text-align: right;">Page 181</p> <p>1 A. That I would have been there?</p> <p>2 <b>Q. Yes, employed by City?</b></p> <p>3 A. Yes, I believe so.</p> <p>4 <b>Q. And she was suspended for ten days at that</b></p> <p>5 <b>time; is that correct?</b></p> <p>6 A. That's right.</p> <p>7 <b>Q. And it's your testimony that she had prepared</b></p> <p>8 <b>dockets, which covered the time for which she</b></p> <p>9 <b>had been suspended?</b></p> <p>10 A. Right. There wasn't court one of those weeks.</p> <p>11 <b>Q. And what week was that?</b></p> <p>12 A. That was the week of April the 26th.</p> <p>13 <b>Q. And how do you recall so vividly that there</b></p> <p>14 <b>was no court the week of April 26 of 2004?</b></p> <p>15 A. Because it's one of those things that I</p> <p>16 remember because the judge told me on May the</p> <p>17 10th to have Mary Beth post dockets down in</p> <p>18 the police room or something. And when I went</p> <p>19 to Mary Beth and told her to post the docket,</p> <p>20 she said, I already posted those before I left</p> <p>21 on suspension. She posted the ones for that</p> <p>22 week and the week before.</p> <p>23 <b>Q. So May 10th -- the week before May 10th would</b></p> | <p style="text-align: right;">Page 183</p> <p>1 not talk while I'm questioning.</p> <p>2 MR. JAFFREE: Well, you wasn't</p> <p>3 questioning. That was a pregnant</p> <p>4 pause.</p> <p>5 <b>Q. If I could see that for a second. I</b></p> <p>6 <b>apologize. That's the only copy I have.</b></p> <p>7 <b>This is a disciplinary action report</b></p> <p>8 <b>administered to Ms. Brackin; is that correct?</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. And were you present when this disciplinary</b></p> <p>11 <b>action was administered to her?</b></p> <p>12 MR. JAFFREE: I'm not sure I understand</p> <p>13 the question, "administered to her."</p> <p>14 What does that mean?</p> <p>15 <b>Q. When that document was given to her, were you</b></p> <p>16 <b>present?</b></p> <p>17 A. I don't recall because I don't have my</p> <p>18 calendar from that far back.</p> <p>19 <b>Q. Well, I'm just asking from your memory. Were</b></p> <p>20 <b>you --</b></p> <p>21 MR. JAFFREE: If you remember.</p> <p>22 <b>Q. Either you remember or you don't. I mean, do</b></p> <p>23 <b>you remember if you were there?</b></p>                 |
| <p style="text-align: right;">Page 182</p> <p>1 <b>be May 3rd?</b></p> <p>2 A. May 3rd. Yeah, May 3rd.</p> <p>3 <b>Q. I don't understand -- what happened the week</b></p> <p>4 <b>of April the 26th?</b></p> <p>5 A. There was no court. It was the last week of</p> <p>6 the month. They didn't hold court the last</p> <p>7 week of the month. There were no dockets.</p> <p>8 <b>Q. What about the docket for May the 3rd?</b></p> <p>9 A. I told you, she had already posted it.</p> <p>10 <b>Q. And May 10th?</b></p> <p>11 A. And May 10th.</p> <p>12 <b>Q. So normally, how far out does she post a</b></p> <p>13 <b>docket?</b></p> <p>14 A. Usually two weeks.</p> <p>15 (Brief pause)</p> <p>16 <b>Q. Let me show you what has been marked as</b></p> <p>17 <b>Defendants' Exhibit Number 24 to Ms. Brackin's</b></p> <p>18 <b>deposition and ask if you can identify this</b></p> <p>19 <b>for me, please, ma'am. I think maybe this</b></p> <p>20 <b>should be attached to it, also. Do you</b></p> <p>21 <b>recognize your signature on that, Ms. Martin?</b></p> <p>22 A. Yes, I do.</p> <p>23 MS. NELSON: And I would ask that y'all</p>   | <p style="text-align: right;">Page 184</p> <p>1 A. I don't recall.</p> <p>2 <b>Q. You don't recall?</b></p> <p>3 A. I don't recall.</p> <p>4 <b>Q. Do you know -- well, I'll put it this way:</b></p> <p>5 <b>You signed it on April 22nd. Judge Gordon</b></p> <p>6 <b>signed it on April 22nd. And Mary Beth</b></p> <p>7 <b>Brackin signed it on April 22nd, according to</b></p> <p>8 <b>this document.</b></p> <p>9 <b>Do you remember Mary Beth Brackin</b></p> <p>10 <b>discussing this disciplinary action with you?</b></p> <p>11 MR. JAFFREE: Again, object to the form of</p> <p>12 the question. There's no specifics as</p> <p>13 to time. The two of them could have</p> <p>14 discussed that document yesterday.</p> <p>15 <b>Q. Well, have you discussed this with Mary Beth</b></p> <p>16 <b>Brackin, whether it was in April of 2004 or</b></p> <p>17 <b>yesterday?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. And when did y'all discuss it?</b></p> <p>20 A. I don't recall.</p> <p>21 <b>Q. Did you discuss it while you worked at the</b></p> <p>22 <b>city and you were her supervisor?</b></p> <p>23 A. Not that I recall.</p> |

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|---|---|
| <p>1 <b>Q. Do you know if she ever grieved or appealed</b><br/> 2 <b>her disciplinary action?</b><br/> 3 A. I don't recall.<br/> 4 MR. JAFFREE: For the Record, there is no<br/> 5 grievance or appeal available.<br/> 6 There's only an ability to make a<br/> 7 statement.<br/> 8 MS. NELSON: Well, that's your statement.<br/> 9 It's not testimony.<br/> 10 MR. JAFFREE: That's the rules.<br/> 11 MS. NELSON: No. There's --<br/> 12 MR. JAFFREE: Well, we'll show you the<br/> 13 rules tomorrow.<br/> 14 MS. NELSON: That's what I'm saying.<br/> 15 That's your statement. Is that an<br/> 16 objection?<br/> 17 MR. JAFFREE: We'll read the rules<br/> 18 tomorrow and see what it says.<br/> 19 <b>Q. Did you ever discipline Ann Baxter?</b><br/> 20 A. I was in the middle of writing it up, her<br/> 21 disciplinary action, at the time I was<br/> 22 terminated; had not completed it.<br/> 23 <b>Q. And what was this discipline for?</b></p>   | <p>1 this one before I left.<br/> 2 <b>Q. Was there another one when you left or that</b><br/> 3 <b>was the one, you were just confused about the</b><br/> 4 <b>time?</b><br/> 5 A. I believe there must -- I think there was<br/> 6 another one that I was working on but not -- I<br/> 7 know I was doing three. I had given two the<br/> 8 week before, and I was working on another one,<br/> 9 which I believe -- recall being on Ann Baxter<br/> 10 but not for certain.<br/> 11 <b>Q. Was that based on something that occurred</b><br/> 12 <b>while you were actually her supervisor?</b><br/> 13 A. I'm sorry?<br/> 14 <b>Q. Was that writeup that you gave her based --</b><br/> 15 <b>MS. NELSON: And I'd appreciate -- just</b><br/> 16 <b>let her look at it without pointing</b><br/> 17 <b>to --</b><br/> 18 <b>MR. JAFFREE: I was pointing to the date.</b><br/> 19 <b>Q. Did that occur at a time frame -- the conduct</b><br/> 20 <b>for which she was written up, did that occur</b><br/> 21 <b>at a time frame where you were not her</b><br/> 22 <b>supervisor?</b><br/> 23 A. Yes, I was not her supervisor.</p>  |
| Page 186  | Page 188  |
| <p>1 A. It was for her drawer being short money, an<br/> 2 incident that happened before I began.<br/> 3 <b>Q. And you're saying you were in the process of</b><br/> 4 <b>writing her up when you were terminated?</b><br/> 5 A. Yes.<br/> 6 <b>Q. And you were terminated when?</b><br/> 7 A. I was given the notice on 10/12 I believe. I<br/> 8 was officially terminated on 10/18.<br/> 9 <b>Q. Of 2004?</b><br/> 10 A. Yes.<br/> 11 (Brief pause)<br/> 12 (Defendants' Exhibit 15 was marked<br/> 13 for identification.)<br/> 14 <b>Q. I want to show you what I've marked as</b><br/> 15 <b>Defendants' Exhibit Number 15 and ask if that</b><br/> 16 <b>is not a disciplinary action that you gave to</b><br/> 17 <b>Ann Baxter or that you completed on Ann</b><br/> 18 <b>Baxter.</b><br/> 19 <b>Is that your signature?</b><br/> 20 A. Yes.<br/> 21 <b>Q. Does that refresh your recollection of giving</b><br/> 22 <b>her a disciplinary action in March of 2004?</b><br/> 23 A. Yes. I was mistaken. I thought I was doing</p> | <p>1 <b>Q. And was that based on an audit report done by</b><br/> 2 <b>either the City Finance Department or some</b><br/> 3 <b>type of financial audit?</b><br/> 4 A. I believe so.<br/> 5 <b>Q. And do you know that -- by the time the audit</b><br/> 6 <b>was completed, at that time, you had come on</b><br/> 7 <b>board and was her supervisor. And is that the</b><br/> 8 <b>reason you were involved in the writeup or the</b><br/> 9 <b>disciplinary action?</b><br/> 10 A. I had come on board what? I didn't<br/> 11 understand.<br/> 12 <b>Q. You had joined the City -- by the time the</b><br/> 13 <b>results of that investigation took place or</b><br/> 14 <b>the audit had taken place, you then had become</b><br/> 15 <b>Ms. Baxter's supervisor; is that correct?</b><br/> 16 A. No. This is dated February the 4th. I<br/> 17 started February the 16th.<br/> 18 <b>Q. And I'm saying, by the time she was</b><br/> 19 <b>disciplined, you were her supervisor at that</b><br/> 20 <b>time; is that correct?</b><br/> 21 A. Yes. I was made to write her up by the judge,<br/> 22 even though I wasn't there when it happened.<br/> 23 <b>Q. But you were her supervisor at the time she</b></p> |

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| <p style="text-align: right;">Page 189</p> <p>1 was written up; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And you say it in a tone as if you did not</p> <p>4 agree with the disciplinary action?</p> <p>5 MR. JAFFREE: Well, excuse me. That's</p> <p>6 your characterization. She just said</p> <p>7 she wasn't her supervisor. So I</p> <p>8 object to the form of the question</p> <p>9 about her tone.</p> <p>10 MS. NELSON: You can object to the form.</p> <p>11 Okay. Thank you.</p> <p>12 MR. JAFFREE: I mean, the question is just</p> <p>13 not correct. You can't just interpret</p> <p>14 her tone and then --</p> <p>15 MS. NELSON: I can interpret the tone all</p> <p>16 I want to.</p> <p>17 MR. JAFFREE: -- say that she disagrees</p> <p>18 with something because of her tone.</p> <p>19 Q. Well, I detect you disagree with it,</p> <p>20 Ms. Martin. Do I detect correctly?</p> <p>21 A. That I disagree with what?</p> <p>22 Q. This disciplinary action to Ann Baxter.</p> <p>23 A. What I most disagreed with was having to do it</p>   | <p style="text-align: right;">Page 191</p> <p>1 and I was told, I would have to prepare the</p> <p>2 disciplinary action.</p> <p>3 Q. Okay. Now --</p> <p>4 MR. JAFFREE: Hold on a second.</p> <p>5 Q. As court administrator, was one of your duties</p> <p>6 to complete performance evaluations on</p> <p>7 employees you supervised?</p> <p>8 A. Yes, it was.</p> <p>9 Q. Do you know -- as I understand at the City,</p> <p>10 everybody gets evaluated, roughly, around</p> <p>11 their job anniversary date?</p> <p>12 A. Unless you're probationary.</p> <p>13 Q. Unless your probationary?</p> <p>14 A. Yes.</p> <p>15 Q. It wasn't like December 20th everybody got</p> <p>16 evaluated?</p> <p>17 A. No.</p> <p>18 Q. It rotated?</p> <p>19 A. Right.</p> <p>20 Q. So do you know approximately how many</p> <p>21 employees you've completed employee</p> <p>22 evaluations on when you were court</p> <p>23 administrator? How many -- you supervised</p>  |
| <p style="text-align: right;">Page 190</p> <p>1 when I wasn't there when it happened. It</p> <p>2 should have been the current supervisor at the</p> <p>3 time that -- when it happened.</p> <p>4 Q. And who was that?</p> <p>5 A. Judge Gordon.</p> <p>6 Q. Sorry?</p> <p>7 A. Judge Gordon.</p> <p>8 Q. And did Judge Gordon also sign off on this</p> <p>9 disciplinary action?</p> <p>10 A. Yes.</p> <p>11 Q. So again, you felt like it was not appropriate</p> <p>12 to discipline someone based on conduct that</p> <p>13 maybe -- that had occurred prior to your</p> <p>14 getting there, so to speak; is that correct?</p> <p>15 A. For something that I was not involved in, yes.</p> <p>16 Q. And what --</p> <p>17 A. For which I could only read what had happened.</p> <p>18 Q. So you don't know really what occurred and</p> <p>19 what Valerie Harris, the internal analyst, was</p> <p>20 reviewing; you don't have personal knowledge</p> <p>21 of what had occurred that led to this?</p> <p>22 A. I didn't have personal knowledge. All I had</p> <p>23 was the judge gave me the documents to review,</p> | <p style="text-align: right;">Page 192</p> <p>1 magistrates and --</p> <p>2 A. Clerks.</p> <p>3 Q. Clerks. Do you know approximately how -- I</p> <p>4 may have asked this before. I'm sorry if I</p> <p>5 have. About how many magistrates were there</p> <p>6 at the time when you were there?</p> <p>7 A. When I was hired, there was eight. Come -- on</p> <p>8 March 1st, we had an additional one, Tonya.</p> <p>9 There was two clerk typists when I started,</p> <p>10 and there were two temporaries when I began.</p> <p>11 We eventually lost the use of the</p> <p>12 temporaries.</p> <p>13 Q. So we are talking about seven magistrates</p> <p>14 and --</p> <p>15 A. Eight magistrates.</p> <p>16 Q. Eight magistrates.</p> <p>17 Of those, do you know how many you</p> <p>18 actually completed a performance evaluation on</p> <p>19 while you were court administrator?</p> <p>20 A. I remember three. Not positive. More -- I</p> <p>21 believe there was three.</p> <p>22 Q. Do you know who -- what three people that</p> <p>23 would be?</p> |

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|  |   |
|--|---|
| <p style="text-align: right;">Page 193</p> <p>1 A. I believe one was Mary Beth Brackin. One was<br/>2 Lavera McClain. Not sure about the other<br/>3 one. For some reason, I'm thinking Mary<br/>4 Turner or Sarah Fowler, one of them maybe.<br/>5 Not positive. I do think there was a third<br/>6 one, though. Could have been a fourth one. I<br/>7 just don't remember.</p> <p>8 <b>Q. Okay. Do you know how you rated Mary Beth</b><br/>9 <b>Brackin on her performance evaluation?</b></p> <p>10 A. Yeah.</p> <p>11 <b>Q. Did she receive satisfactory or --</b></p> <p>12 A. I believe so.</p> <p>13 <b>Q. And what about Lavera McClain?</b></p> <p>14 A. The original evaluation was unsatisfactory.</p> <p>15 <b>Q. And do you know when you filled that out on</b><br/>16 <b>Lavera, that evaluation? I'm sorry. Do you</b><br/>17 <b>know when you filled out the performance</b><br/>18 <b>evaluation on Lavera McClain?</b></p> <p>19 MR. JAFFREE: Which one are you talking<br/>20 about, the original one or the<br/>21 subsequent one?</p> <p>22 MS. NELSON: The original one.</p> <p>23 A. Well, first, let me say --</p> | <p style="text-align: right;">Page 195</p> <p>1 <b>two months, and you gave her an unsatisfactory</b><br/>2 <b>evaluation?</b></p> <p>3 A. Right.</p> <p>4 <b>Q. And can you tell me why you did that?</b></p> <p>5 A. Because she wasn't performing satisfactorily.<br/>6 And, actually, first, I told judge that I<br/>7 didn't feel I should be evaluating her because<br/>8 I had not been there the full year that she<br/>9 was being evaluated for. The judge insisted<br/>10 that I do the evaluation, and I told her that<br/>11 I would evaluate Lavera on my experience and<br/>12 observation of her work. And that's what I<br/>13 did.</p> <p>14 <b>Q. Okay. And then once you filled that out, who</b><br/>15 <b>did you give that to? Did you give that to</b><br/>16 <b>the judge or --</b></p> <p>17 A. Yes. I took it to the judge because she has<br/>18 to sign it.</p> <p>19 <b>Q. And did you -- do you remember what areas you</b><br/>20 <b>found her to be unsatisfactory in?</b></p> <p>21 A. Number of errors, quality of work, how she<br/>22 dealt with, I believe, the public. She was<br/>23 kind of short, at times rude.</p>                          |
| <p style="text-align: right;">Page 194</p> <p>1 <b>Q. Well, I'll just ask you to answer my</b><br/>2 <b>question.</b></p> <p>3 A. I'm going to answer.</p> <p>4 MR. JAFFREE: I think she was trying to<br/>5 answer.</p> <p>6 <b>Q. I'm asking when did you fill --</b></p> <p>7 A. In April.</p> <p>8 <b>Q. In April?</b></p> <p>9 A. I believe so.</p> <p>10 <b>Q. Okay. April 2004?</b></p> <p>11 A. Right.</p> <p>12 <b>Q. And, at that time, you had been there two</b><br/>13 <b>months?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And I think you testified earlier that Lavera</b><br/>16 <b>had been out on sick leave for about six to</b><br/>17 <b>eight weeks?</b></p> <p>18 A. That was --</p> <p>19 <b>Q. In April?</b></p> <p>20 A. -- end of April. She had her surgery on the<br/>21 27th or 28th of April, dealing with that.</p> <p>22 <b>Q. So you were new to the job, learning the job,</b><br/>23 <b>and you had a chance to evaluate her less than</b></p>  | <p style="text-align: right;">Page 196</p> <p>1 <b>Q. Tell me the times you've seen her interact</b><br/>2 <b>with the public?</b></p> <p>3 A. I can't give you specifics. She interacted<br/>4 with the public when she was in the fines<br/>5 room, in court, at the front window, as a<br/>6 backup working the front window, doing<br/>7 warrants at the warrant window.</p> <p>8 <b>Q. Had you ever seen any other magistrate be</b><br/>9 <b>short or rude to anyone --</b></p> <p>10 A. We're not talking -- we're talking about<br/>11 Lavera's evaluation.</p> <p>12 <b>Q. That's right.</b></p> <p>13 A. That doesn't include -- I wasn't --</p> <p>14 <b>Q. Ma'am, I'm asking you the questions. I'm not</b><br/>15 <b>asking you to sit here and argue with me. I'm</b><br/>16 <b>asking you --</b></p> <p>17 A. I'm not arguing with you. I'm just saying<br/>18 that -- we're talking. You asked me about<br/>19 Lavera's evaluation.</p> <p>20 <b>Q. That's right. And I'm now asking you the</b><br/>21 <b>question, have you seen any other magistrate</b><br/>22 <b>be short or rude with the public?</b></p> <p>23 A. Maybe short. Lavera herself admitted to me</p> |

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| <p style="text-align: right;">Page 197</p> <p>1 that she had a tendency to be short at times.</p> <p>2 <b>Q. So are you referring --</b></p> <p>3 A. And she has a gruff voice.</p> <p>4 <b>Q. Are you retracting the rude or just saying --</b></p> <p>5 A. No. She didn't admit rude. I said rude.</p> <p>6 <b>Q. Who else have you seen be short with the</b></p> <p>7 <b>public?</b></p> <p>8 A. On a really busy day, I've seen Ann Baxter be</p> <p>9 a little short working the front window.</p> <p>10 <b>Q. How about Mary Beth Brackin?</b></p> <p>11 A. Yes, I've seen her on a busy day be short.</p> <p>12 It's not uncommon sometimes, depending on the</p> <p>13 circumstances.</p> <p>14 <b>Q. Did you give her an unsatisfactory?</b></p> <p>15 A. I don't know. If I had been provided the</p> <p>16 documents, I could read it and tell you.</p> <p>17 <b>Q. I'm just asking what you remember.</b></p> <p>18 A. I don't remember. I don't have it in front of</p> <p>19 me.</p> <p>20 <b>Q. What other areas do you contend that Lavera</b></p> <p>21 <b>McClain was unsatisfactory in?</b></p> <p>22 A. In handling the bondsmen and bondsmen</p> <p>23 processes.</p>   | <p style="text-align: right;">Page 199</p> <p>1 Beth and asked her to look up the paperwork.</p> <p>2 <b>Q. Did you witness all of this?</b></p> <p>3 A. Did I witness all of it?</p> <p>4 <b>Q. Yes.</b></p> <p>5 A. No. I had the complaint from him in writing.</p> <p>6 <b>Q. You didn't witness any of it, did you?</b></p> <p>7 A. No.</p> <p>8 <b>Q. Can you think of any other areas that you</b></p> <p>9 <b>found her to be unsatisfactory?</b></p> <p>10 A. Without looking at the document, I can't</p> <p>11 recall word for word.</p> <p>12 <b>Q. When you presented this evaluation to Judge</b></p> <p>13 <b>Gordon, what occurred? Did she agree with</b></p> <p>14 <b>it? Did she sign off on it?</b></p> <p>15 MR. JAFFREE: Are we talking about the</p> <p>16 first or second evaluation?</p> <p>17 MS. NELSON: The first one. We haven't</p> <p>18 gotten to a second evaluation.</p> <p>19 MR. JAFFREE: I just want to be clear.</p> <p>20 MS. NELSON: So I'd ask --</p> <p>21 A. When I gave it to her, to the best of my</p> <p>22 recollection, it was -- I gave it to her, and</p> <p>23 I told her that I knew we would need to</p>   |
| <p style="text-align: right;">Page 198</p> <p>1 <b>Q. What had she done to be unsatisfactory in</b></p> <p>2 <b>handling bondsmen?</b></p> <p>3 A. She was rude. I had a complaint filed against</p> <p>4 her by Rickey Stokes, in writing. Actually</p> <p>5 was sent to me, the judge, I believe Jerry</p> <p>6 Corbin, that she would not assist him with a</p> <p>7 defendant that was going -- would have been</p> <p>8 wrongly arrested had he not have gone to Mary</p> <p>9 Beth when Lavera wouldn't assist him --</p> <p>10 refused to assist him and Mary Beth</p> <p>11 straightened the matter out.</p> <p>12 <b>Q. Assist him in what?</b></p> <p>13 A. Assist him in getting the documents corrected</p> <p>14 or the right person. The guy had -- two</p> <p>15 people had the same name except for the middle</p> <p>16 name was different and their birth dates were</p> <p>17 wrong. And Lavera had issued a warrant</p> <p>18 against the wrong person. And she refused to</p> <p>19 assist Rickey Stokes in figuring it out,</p> <p>20 getting it right, getting the right person</p> <p>21 arrested, and the other dropped against the</p> <p>22 one that she had wrongly issued a warrant</p> <p>23 against. She refused to, so he called Mary</p> | <p style="text-align: right;">Page 200</p> <p>1 discuss it because there were some low marks</p> <p>2 on it. We -- to the best of my recollection,</p> <p>3 we didn't discuss it at that time in depth. I</p> <p>4 just told her that I was sure she would want</p> <p>5 to discuss it with me after she had a chance</p> <p>6 to review it.</p> <p>7 <b>Q. And then did she discuss it with you?</b></p> <p>8 A. After she discussed it with two or three other</p> <p>9 people, yes.</p> <p>10 <b>Q. And when she discussed it with you, what was</b></p> <p>11 <b>said?</b></p> <p>12 <b>Let me ask you this: Did she come to you</b></p> <p>13 <b>and ask if you could talk about it? Tell</b></p> <p>14 <b>me what -- I mean, what happened, what she</b></p> <p>15 <b>said, where you were, who was present?</b></p> <p>16 A. It was just me and her in her office as I</p> <p>17 recall it.</p> <p>18 <b>Q. Okay.</b></p> <p>19 A. And she wanted to know why I had rated her the</p> <p>20 way I did. And I tried to explain again that</p> <p>21 I was rating her just on the time that I had</p> <p>22 been there, what I had seen, and had dealings</p> <p>23 with her, and reminded her that I didn't want</p> |

50 (Pages 197 to 200)

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